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MY OWN STORY

BY

Fremont Older

Editor
The San Francisco Call

THE CALL PUBLISHING CO.,
SAN FRANCISCO
1919

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INTRODUCTION

By JOHN D. BARRY

"MY OWN STORY" could hardly have been a simpler or a more appropriate title for the series of reminiscences by Fremont Older, following as it did so many stories about other people that he had helped to inspire. Those stories prepared the way for this swift narrative, scene after scene almost bewildering in variety and interest. Whatever else life may have been for Older it has never been dull. The excitement and the glow are reflected in every chapter.

Writing about oneself is pretty difficult business. There are so many pitfalls. Few could hope to escape them all. Older wrote as if he thought very little about them one way or the other. He was concerned mainly with the story as something to be told concisely, directly and frankly. There were times when another writer would have spared himself and he spared himself not at all. Each scene he described as he saw it and felt it and he let it go at that. There are not many who would have dared to speak so freely. And yet it was this freedom that did most to make his work valuabble. He wrote out of a full mind, like one that found expression easy.

Long before "My Own Story" was begun some of us had tried again and again to persuade Older to write his memories. But he never showed much interest. When he withdrew from the Bulletin, however, he felt that he had made a break in his career. He had reached a point where he was tempted to look back. His quarter of a century spent in building up the paper was full of dramatic incidents. They were associated with an important period in the history of San Francisco. They involved the earthquake, the fire, the political corruption that led to the graft prosecution, the emancipation of California from forces that had so long preyed on her political and social life, the imprisonment of Ruef. For Older all the incidents had a deeper meaning than was revealed on the outside. They helped to open his eyes. They trained his understanding. They widened his sympathies. They gave him his social vision.

Any self-revelation worth being published at all has two phases, the one that presents the outer circumstances and the one that gives the inner reactions. Many autobiographies are insignificant because they have one of these two phases only. In "My Own Story" both phases are remarkable. The surface narrative alone is absorbingly interesting. It offers us intimate glimpses into public characters and public events associated with San Francisco during the past twenty-five years. Every figure presented is lifelike. Every incident rings true. The conversations are to the last degree realistic. The references to McKinley early in the book give a remarkably vivid reflection of his character, seen through an observer whose insight was made all the clearer by his humor. In Older a mind naturally receptive and keen had been made impressionable by training in newspaper reporting. Moreover, it was capable of retaining impressions. But for this faculty, these records could not possibly have been made so lifelike.

If Older had not gone from reporting into editing he might have developed into a writer of distinction. He had all the qualities requisite for the making of a novelist. Those first chapters show how strongly life attracted him, how he reveled in it as he sought his material for writing. Chance that made him a reporter with a nose for news might just as well have made him a story teller with a genius for characters that expressed themselves in dramatic plots. But if he had became a story teller he would probably have withdrawn from active participation in public life; he would have missed much of the experience that made this record so rich.

While the story ran in The Call it was interesting to all of us associated with the paper to observe the way it affected readers. As might have been expected, it attracted notice at the start and had a wide reading. No surprise was felt at the excellence of the narrative style. Hadn't Older been a newspaper man all his life? Yes, but for many years he had been concerned mainly with planning for his paper and directing the work of others. Only those on the inside knew that in an almost incredibly short time he had dictated most of the narrative to a stenographer. He had gone at the job like a whirlwind, as he usually did when he became interested in any job. His newspaper sense made him feel that he must keep it moving and moving fast. Only an accomplished writer could have reached such speed and, at the same time, kept the continuity so clear and the incidents so realistic. Throughout the reader could have the feeling of intimacy, always so attractive in writing, as if the writer were addressing the talk to him personally.

As the story went on public interest grew. Those who missed issues of the paper began to ask for back numbers at the office. Readers who began late wanted to go back to the start. Then some of us suggested that the series ought to be brought out in book form. But Older didn't agree. Newspaper publication was enough, he insisted; the book wouldn't make any appeal. Already he was planning for the next serial feature, to be started soon after his story ended. As usual, his mind was galloping ahead. From day to day his argument was refuted by the letters that came in expressing interest and urging book publication. It became plain that this record would have to be preserved.

I don't think that Older had any idea, as he wrote, of working for cumulative interest. While the chapters toward the end were running, those about his interest in prisoners and his efforts to understand them, he was astonished by the public response. Of all the chapters they made the biggest hit and caused most discussion.

And they were successful, I believe, not merely because they were in themselves so interesting, but also because of the way they were told and because of the story teller's humane spirit.

I suspect that one explanation of the cumulative interest in the narrative was due to its being the record of a mind that kept growing. The Older reflected in those first chapters was a very different Older from the man in the last chapters, and yet with essentially the same qualities, softened and broadened through experience and reflection. The man of action became the philosopher without losing any of his vitality and enthusiasm. One of the younger attorneys in the Mooney case tells about the end of a day spent with Older in work that had worn out everyone concerned, except Older himself. At bed time, Older ran his hands over his face, yawned and exclaimed, "I'm losing my pep."

I predict that he will never lose his pep. No one can read this story without finding it there and finding with it a mellowness that gives it a rare flavor. Something of the Older the public hasn't known in the past and is just finding out and that those of us who work with him know has got into those memories. The last chapters are Older to the life as he is today, the doer and the philosopher who looks at the world with intense curiosity and with a good deal of sadness over what he sees and frankly says he doesn't know how we can make it what it should be. He is bewildered by the plight of those people who can't keep out of prison and by those who, while keeping out of prison, help to make the world ugly. But if he has no solution to offer he lets us see that he is still bent on finding a solution and he makes us want to help. That eager mind of his still has some tall traveling to do. There is big work for him ahead.

San Francisco, January 3, 1919.

FOREWORD

FOR some years I have wanted to write a frank story of my experiences as an editor of a newspaper in San Francisco. I couldn't. I was not allowed to. Such a story, to have any value, implied a confession, and I was not free to confess.

This I learned when in an address before the Council of Jewish Women, in March, 1914, I approached as near as I dared in a statement of a part of the truth. Guarded as that attempt was, a lifting of the curtain the least little bit, my temerity was bitterly resented. The owners of the paper I served wished to cling to the halo the Bulletin had set upon us all in the graft prosecution. No doubt entered our minds. We had performed a high public service. The dark forces of corruption had fought us savagely. We had encountered danger, financial reprisal, and the cold stare of former friends and acquaintances. We had bravely faced it all. Why shouldn't we enjoy the daily thrills, and proudly wear the decoration bestowed upon us by a righteous people? But time and reflection cooled me until the poor little halo had lost its value. I wanted to strike deeper, and dig at the very roots of the causes of evil which I had become convinced jails would not cure.

I wanted to tell why I was making so hard a fight for the parole of Abraham Ruef. I couldn't. I realized that I was in an utterly false position, and I couldn't say so. Not the owners alone deterred me from frank expression, but I knew my old associates would resent any word of mine that would taint the glory they felt they had achieved in so hard a struggle. Also the people who had been sympathetic with the prosecution had a fixed opinion that newspapers that made their kind of fight were incapable of doing wrong. If the end we were striving for was "noble," we also were "noble." Unconsciously the old idea that the king can do no wrong had been handed down to us, and is made to apply to those who lead and win a popular fight. That is why I based my appeal for Ruef upon sentimental grounds. I could only urge that now since Ruef had gone to the penitentiary, had been shaved, striped and numbered—one poor, helpless being crushed—why not be merciful? That was what I said in a big, flaring page editorial.

That wasn't the whole truth. Fighters, fanatically sure they are right, are likely to be without the restraint of conscience, and in battling against evil, become careless of the methods employed, firmly believing that the means justify the end. Thus we, the reformers and the lawyers, and the officers of the court, and the detectives, the courts and the law had to do whatever it seemed necessary to do to win. I realized that we had to get down once or twice to Ruef's level to prove him guilty and get him into the penitentiary, where later I hated to see him, knowing what I knew, knowing what I propose now to tell. For with Ruef out of the penitentiary, and I myself out of my prison, I can tell this and all the other stories of my life as an editor.

It is difficult, it is almost impossible, for any one to talk about himself and his actions without unconsciously trying to excuse wrong doing or to exaggerate his better motives. I may not be able to entirely avoid these errors, but I shall try to avoid them. I shall try to tell without concealment or evasion, either for myself or others, the whole truth behind the most important chapters in San Francisco's life as a city.

While I shall call this my own story, it will be the story of many editors, many reformers, many righteous crusaders against graft and crime, vice and bad people. I shall start the story when I became editor of the Bulletin in 1895. Worldly success was my only ideal. I knew nothing of life as it is really lived. I saw only shadows of men, believing that the villain, as in the plays of that day and, unfortunately, of this day, was thrown from a bridge, and the hero in evening dress married the perfect lady in the last act. Passionately fighting in many battles what I conceived to be evil, I gradually discovered that it was the evil in me that brought defeat. It was evil fighting evil. This truth took possession of me. I wanted others to know it. I believed it could best be understood by asking bad people who knew they were bad, and good people who thought they were good, to tell their stories.

For some years I devoted much time and energy to this work. Their stories took on the character of confessions and were published as serials in the Bulletin. In this confessional have stood Abraham Ruef, political boss; Donald Lowrie, ex-prisoner; Jack Black, ex-prisoner; A Baptist Clergyman; Alice Smith, a prostitute; A Sure-Thing Gambler; A Bunko Man; A Prominent Physician, and Martin Kelly, political boss.

These confessions were all intended to help other people to see themselves and to recognize themselves, but there were always some who thought I inspired these confessions, and wondered why I, too, did not confess. I received many letters asking me why I didn't tell my story as fully and frankly as I urged others to do. I invariably replied that I wanted to, but that I couldn't. But now that I am free to write it, I hope that my readers will try to find themselves in my story and recognize that it is really the story of all of us.

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CHAPTER I

THE BEGINNING

I BECAME managing editor of the Bulletin in January, 1895. Before that time I had been a reporter on various San Francisco newspapers, and had acquired a local reputation as a young man with a "nose for news." In addition to this news instinct, I had a great deal of enthusiasm for my work, a persistent desire to run down every story until I had exhausted every possible angle of it. As an alert and enterprising young newspaper man, I had been chosen by R. A. Crothers to be city editor of The Morning Call.

At that time The Call and the Bulletin were both owned by the estate of Loring Pickering, the estate of a man named Simonton, and George K. Fitch, then living. There was a great deal of friction between Fitch and R. A. Crothers, who represented the Pickering estate, and shortly after I went on The Call as city editor, Fitch brought proceedings in the Federal court to have both papers sold at auction, as a means of settling the difficulties.

I had been on The Call less than a year when the sale occurred. The Call was sold to Charles M. Shortridge for $361,000. A few days later R. A. Crothers bought the Bulletin for $35,500.

The paper was at very low ebb, having a circulation of perhaps nine thousand, and advertising insufficient to meet the expenses. I think it was losing about $3000 a month. But Loring Pickering, before his death, had expressed a wish that his widow should hold the Bulletin for their son, Loring, then about 7 years old. The father's idea was that The Call in competition with the Examiner would be a difficult property to handle successfully, and he felt that the Bulletin could be developed into a paying paper.

Before Loring Pickering died he gave his brother in law, Crothers, a very small interest in The Call, a twelfth of his one-third interest, which, when the paper was sold, realized a few thousand dollars. This sum, added to Crothers' savings as a lawyer in Canada, was sufficient to enable him to pay one-half of the Bulletin's purchase price. The other half was paid by his sister, Mrs. Pickering, who held her share in trust for her son, Loring. The purchase was made in Crothers' name and he became the ostensible owner of the paper.

After the sale he found himself in possession of a property which was losing a large sum monthly. It was necessary immediately to turn this deficit into a profit, in order to save the capital invested. Crothers offered me the managing editorship, which I accepted.

As I remember, at that time I had no ideals whatever about life, and no enthusiasms beyond newspaper success. I was vain of my newspaper talent; that is, the talent that made it possible for me to succeed in getting hold of news and features that would interest the public and increase circulation.

Neither Crothers nor myself had any other view in the beginning than to make the paper succeed financially. It had to be done quickly, too, because Crothers had no money and the Pickering estate consisted largely of real estate, so that we could get no help from that source.

The office of the Bulletin was on Clay street, between Sansome and Montgomery, in an old building that was almost on the verge of tumbling down. It had been there for more than thirty years. We had only one old press that was wholly inadequate for handling a circulation of any size, and our type was set by hand.

It was almost impossible to make any improvements, because we had no money. We were running so close on revenue that Crothers was constantly worried for fear we would encounter losses that would entirely destroy our hopes of success.

I worked desperately hard in the beginning. I had a staff of only five men besides myself, and I acted as managing editor, city editor, book reviewer, dramatic critic and exchange editor, thus doing the work of several men. I lived, breathed, ate, slept and dreamed nothing but the paper. My absorbing thought was the task of making it go.

I was perfectly ruthless in my ambition. My one desire was to stimulate the circulation, to develop stories that would catch the attention of readers, no matter what was the character of the stories. They might make people suffer, might wound or utterly ruin some one; that made no difference to me, it was not even in my mind. I cared only for results, for success to the paper and to myself.

It was not long before the paper began to respond to the strong pressure I put upon it. We had only two competitors in the evening paper field, the Post and the Report, and I had the satisfaction of seeing our circulation slowly creep upward, until we had passed the Post and were becoming a serious rival of the Report.

Meanwhile I had been urging that we move away from the old quarters, to get a new press and install linotype machines. Crothers and I decided that five linotypes would do the work of twenty-six compositors, and that the saving made would perhaps help to keep us on the right side of the financial line. Five months after we took charge we moved to Bush street above Kearny, and installed the five linotypes and a new press, which was only partly paid for.

In my ceaseless efforts to make the paper attractive and to do unusual things, I undertook art work on chalk plates, which was a novelty at the time. A plate of chalk was used, the artist making his drawing upon it with a steel tool. With Will Sparks as artist, we produced some very good effects. This was before we were able to install a photo engraving plant.

I was working under heavy pressure, trying to overlook nothing that would help the paper. I watched the circulation, the street sales, the art work; I wrote several departments of the paper myself, and I was avid in my search for news scoops. One of my typical stories, through which ran the same overwrought enthusiasm that characterized the later and more important ones, was the fight against the pastor of the First Congregational Church, Reverend C. O. Brown.

Brown had been accused of having improper relations with a young woman, a member of his church, and we made quite a scandal about it. The preacher, of course, denied the story, but I was able to stir up enough discord in his church to cause some of the members to ask for an investigation. The investigation resulted in a trial of Brown by a jury of preachers from other churches.

I made desperate efforts to get condemning evidence, and succeeded to quite an extent, running big stories with flaring headlines daily during the trial. During this fight Brown, in order to frighten me into abandoning the fight against him, caused to be written to me a forged letter signed by John J. Valentine, the manager of the Wells Fargo Express Company and a prominent member of his church. The letter asked me to drop the matter, saying that Brown was a very fine man, and undoubtedly innocent and persecuted.

As soon as I received the letter I immediately rushed down to Valentine with it. He said that it was a forgery, that he had never written it. This made what I considered a great story. I published a facsimile of the letter, with a heading across the page, "Brown, the Penman," and a handwriting expert's testimony added.

Brown was acquitted by the friendly jury of preachers, resigned and went East, and nothing was heard of him for more than a year. Then he reappeared in San Francisco, hired a hall, and in a public speech admitted his guilt. No one seemed to know why he made the confession.

By this time, however, my work as an editor was beginning to involve me in larger questions. I had come into direct contact with national politics, and my first experiences were illuminating.

CHAPTER II

MY FIRST POLITICAL FIGHT

IN 1895, during my first year as managing editor of the Bulletin, McKinley was beginning his campaign for the Presidency. In our harassing need for money to keep the paper going, searching in every possible direction for means of increasing our slender revenues, Crothers insisted that some money ought to be forthcoming from the McKinley forces.

In my endeavor to make this money as legitimately as possible, I hit upon the idea of getting out a special McKinley edition. Fifty thousand extra papers, boosting McKinley, distributed throughout California, should be worth $5000 to the Republican committee. Crothers had always been a Republican; so far as I had any political convictions they were in harmony with those of the Republican party. The special edition would not only be in line with the Bulletin's editorial policy, but with its business needs. I eased my conscience with the thought that we were only asking the normal price, 5 cents a copy.

Crothers approved the idea, and I went to Chicago, where I saw Mark Hanna and urged the plan. He was willing; the matter was referred to Judge Waymire, who was in charge of the campaign on the Coast, and on my return to San Francisco he approved it.

Before we could print the edition, however, a tremendous protest went up from other San Francisco papers, led by the Argonaut. They were getting no money; they violently opposed our getting any. Senator Proctor of Vermont came West, representing the National Republican committee, and there was a vigorous controversy which ended by our being paid $2500, half the sum agreed upon. The other $2500 was repudiated. But Judge Waymire said he would personally assume the debt. He failed soon after, leaving the balance unpaid.

Dropping into my office, one day, during the course of these negotiations, Judge Waymire showed me a letter which he had received from Mark Hanna, in which the great Republican boss promised Waymire an appointment in McKinley's Cabinet as Secretary of the Interior.

I had a brilliant idea. If the Bulletin were to come out editorially urging Waymire's appointment we would gain immensely in prestige when later he was appointed. It would appear that we had waged a successful political fight for Waymire. And we risked nothing because the appointment had already been promised him, behind the scenes.

I set to work on the editorial, was engaged in finishing it, when Senator Perkins came in to bid me goodby before leaving for the East. I showed him the editorial.

"Fine!" he said. "I love Judge Waymire. He's the dearest friend I have in the world. There's nothing I wouldn't do for him. I'm just on my way East now; I'll stop off at Canton, if you like, see McKinley, and urge him personally to appoint the judge." He was most enthusiastic.

I told him he need not do that. I was satisfied to know that he would be strong for Waymire.

Much encouraged by his enthusiasm, I ran the editorial, while Perkins went on to Washington. Immediately upon his arrival there, the Associated Press brought back an interview with the senator in which he declared himself for Horace Davis for the Cabinet position. Davis had been president of the University of California and was a commanding political figure.

This jarred me considerably. I was not yet accustomed to the ways of politics, and I was astounded by Perkins' action. Moreover, the Bulletin was committed to Waymire's cause, and I began to be troubled with fears that he would lose the appointment. Rumors came to me that Judge McKenna, then occupying the Federal bench here, was also a candidate for the position, and had good hopes of getting it.

I had become very well acquainted with Waymire, and when he learned that Judge McKenna was likely to be appointed to the Cabinet, instead of himself, he told me that, of course, the Southern Pacific railway was the controlling influence.

He told me that when McKenna was first appointed to the Federal bench, he also had been a candidate for the same position, and knowing that Leland Stanford, at that time a United States Senator, would say the ultimate word in the appointment, Waymire had called on Stanford and asked him if he would not consider him for the place.

"Senator Stanford was very frank," Waymire said. "He told me that he liked me very much indeed, admired me greatly. He also liked and admired McKenna equally with me. The senator said, 'If all things were equal, I would have difficulty in deciding which one should have this position of Federal judge. But while I like you both, I can't overlook the fact that your mind leans more to the protesting people, the people who have made it difficult for our corporations to be successful here in California.

" 'You tend more to the side of the agitating public than McKenna does,' Stanford said. 'McKenna is equally honest, but his mind naturally tends the other way. He honestly believes that corporate interests should be protected and that the sacred rights of property should be carefully safeguarded. Therefore, between the two, both of you being equally honest, I feel I must decide in favor of McKenna.'

"So," Waymire concluded, "if McKenna is appointed Secretary of the Interior, no doubt it will be for the same reason, because he is friendly to the Southern Pacific organization."

Apart from my personal feeling toward Judge Waymire, I might have wished myself well out of the situation, for the Bulletin was in no condition to make a losing political fight. However, we were definitely committed to Waymire's candidacy, so friendship and self-interest pulled together. I determined to do my utmost to force his appointment.

Judge Waymire thought McKinley would hesitate to appoint McKenna to a Cabinet position which was connected with the schools, because of his religion. McKinley was a devout Methodist, and Waymire sought a prominent local Methodist clergyman and asked him if he would be willing to help. The clergyman at once called upon Bishop Newman of the Methodist Church, who was at that time in San Francisco. He was keen to help, and wrote a stinging letter to McKinley, rebuking him for having even entertained the idea of McKenna for such an important position. He even told him that he should not listen to either Archbishop Ireland or C. P. Huntington, both of whom the bishop said had called on him in McKenna's behalf.

With this letter in hand, I telegraphed McKinley, asking for an appointment.

CHAPTER III

MY MISSION A FAILURE

ARMED with the letter from Bishop Newman, I went East to see McKinley personally in regard to Waymire's appointment as secretary of the interior. McKinley had most cordially telegraphed me the time at which he would see me, and upon my arrival in Canton he received me at his home, in his drawing room. I had traveled through ice and snow across the continent for this interview with the future President, and was nervous and keyed up with excitement.

McKinley's face lighted up when I mentioned Judge Waymire.

"Oh, yes, the dear judge!" he said. "How is he? I love Judge Waymire."

I seemed to hear a sinister warning in these words. I had heard them before. Senator Perkins had used them. They had cheered me then, and I had believed them, but now I was doubtful.

"Waymire is one of my dearest friends," said McKinley. "How is he getting along? Tell me all about him!"

I approached the question of the appointment to the cabinet, and McKinley, saying that we could talk better upstairs, led me up to his bedroom and closed the door. I produced the scorching letter from Bishop Newman, protesting against the appointment of McKenna.

"The dear old bishop!" said McKinley. He read the letter without a change of expression, bland and smiling. "Now he raises here what seems to me a very trivial point," he said. "Of course, I'm a deacon in my church—I love Newman, I love the dear old bishop—but he says here that I should not appoint McKenna because he is a Catholic. Would that make any difference to you, Mr. Older?"

"Not any at all," I said. "But that's because I have no feeling about any church. They all mean the same to me. Of course I believe in the doctrines of Christ. I consider His message the most beautiful ever given the world. But I have no feeling about sects. However, if I had——"

"Now, the bishop says here that Archbishop Ireland has been to see me—and that Huntington has been to see me. That is true, and I have talked with them both. But they have had no influence with me, no influence at all. You know, Mr. Older, a Cabinet is a family matter—one might call the Cabinet a large, harmonious family. In picking a Cabinet you choose men whose work you know — now wouldn't you, Mr. Older?"

"You have McKenna in mind, no doubt," I said.

"Yes," he replied. "When I was chairman of the Ways and Means Committee, McKenna, then in Congress, was on the committee with me. Thus coming in close contact with him I came to know him well. If you were going to employ a writer on the Bulletin, Mr. Older, wouldn't you pick a man whose work you knew?"

"Probably not," I said, "if there were two men whose work was equally good, and this man had tried to prevent me from holding the position that made it possible for me to give him the job."

"What do you mean?"

"McKenna was against you for the nomination," I said. "He openly urged his political friends in California to support Tom Reed."

For just an instant this seemed to disconcert McKinley, but he rallied quickly and said, "No doubt Reed at some time has done McKenna a favor. That should not count against him."

Then I spoke about Waymire and his ability and talents. McKinley agreed to all I said, and repeated that he loved Waymire. He said also that he had not fully decided to give McKenna the place. McKenna would not take it unless the President would promise to put him on the Supreme Bench later. McKenna would not give up a $6000 a year life job on the Federal bench for a four-year job at $8000 a year as Secretary of the Interior. He would not take the Cabinet position unless McKinley would promise him a life job later, which McKinley told me he hesitated to do. However, he would make no promises for Waymire.

McKinley later appointed McKenna attorney general, thus avoiding offense to his Methodist friends who didn't want McKenna in the Department of the Interior, which has something to do with the schools. He subsequently elevated him to the Supreme bench.

I wired Waymire the result of my interview and he advised my seeing Mark Hanna. I went on to Cleveland and called on Hanna. I told him what McKinley had said about McKenna and Waymire.

"Why do you come to me?" he inquired.

"Because," I replied, "you wrote a letter to Waymire before the election saying he would get a Cabinet position, and knowing that you are the politician of the firm, I thought you would decide it."

"So I am the politician of the firm, am I?"

"You are so regarded all over America."

Hanna rose from his chair and came over close to me and said: "Mr. Older, I am a baby in politics compared with our good friend in Canton. He has already decided upon McKenna. If you had understood the language of politics you would have saved yourself this trip. Give my love to Waymire and tell him I am sorry, but it can't be helped."

I returned to California. My first experience in politics had ended disastrously for my hopes. But the local election of 1896 brought me other and more encouraging experiences. It was an important election from my point of view, because from the beginning of the campaign I felt that it would help the Bulletin tremendously if I could win a political victory in which a mayor would be elected.

The entire state at that time was politically controlled by the Southern Pacific. In order thoroughly to dominate the state it not only controlled the Legislature, the courts, the municipal governments, the county governments, which included coroners, sheriffs, boards of supervisors, in fact, all state and county and city officials, but it also had as complete a control of the newspapers of the state as was possible, and through them it controlled public opinion.

There was hardly an editor who dared criticise to any extent the railroad domination. Country editors, many of them, were satisfied with an annual pass for the editor and his wife. Some of the larger ones expected and got money for advertisements. Some of the metropolitan papers fared better, and among these was the Bulletin.

This use of money and favors was quite open. No one seemed to criticise it. At every session of the Legislature, in addition to the secret money that was distributed, blue tickets were openly handed about. On Friday or Saturday when the Legislature adjourned until Monday, railroad lobbyists passed these blue tickets around among all the members and all the newspaper men and all the attaches of both houses. These tickets entitled the holder to a free passage to San Francisco and return.

Even Supreme Court judges traveled on annual passes and made no secret of it, and all influential people traveled to and from the East without any cost. I have been on an overland train when there were only three or four people on the entire train that had a ticket they had paid for. In the Pullman I was in none had even paid for their berths. One man, a cigar drummer, had a pass for meals at the eating stations.

I remember one session of the Legislature in the early nineties, when a certain assemblyman from San Francisco told me that all of his leading constitutents had told him to get all he could up there, and he was quite open in taking money, discussing boodle in committee meetings, and rising to make inquiries as to whether or not there was any money coming up from Fourth and Townsend. The railroad building was located there at that time.

No fight of any consequence had been made against this state of affairs. Corporations were regarded as legitimate business enterprises bound up with the welfare of the community, and people believed that they should have special privileges, that they must have special privileges in order to succeed, and that they must succeed if the community was to be prosperous.

This was the state of affairs when I began casting about for a candidate for mayor who could make a conspicuous, winning fight, and reflect credit upon the Bulletin. I had sense enough to know that there would be nothing brilliantly conspicuous in getting behind Herrin, the railroad boss, and helping him to put his mayor in. What I wanted was a fight against the machine, and it must be a winning fight.

Earnestly considering the situation, I thought of James D. Phelan. He was rich, which gave him leisure and made him independent of money considerations; he was of Irish stock and a Catholic. I thought that if the Bulletin, which had been a very solemn, conservative paper under the old management, were to take up a political fight for a popular, clean young rich man, it would help the paper tremendously.

CHAPTER IV

PHELAN FOR MAYOR

AT that time the Southern Pacific Railroad dominated not only the Republican party, but also, to a large extent, the Democratic organization. Practically every one of influence supported the railroad, because it was in control, and thus the sole dispenser of political favors.

A man who wanted anything that political power could give went to Bill Higgins, the Republican boss, who responded to Herrin, or to Sam Rainey, the Democratic boss, who responded to Herrin, or he went to Sacramento to the railroad lobbyists, who were henchmen of Herrin. The rest of the people did not count.

The Southern Pacific was openly the Republican party. When there was a Republican governor in Sacramento the office of the governor was Herrin's office in San Francisco. If a group of men wanted anything from the governor, they did not go to see the governor; they went to see Herrin. He would put it through for any one whom he liked; that is, for any one who would be useful to him.

So far as I know, this control of Herrin's was absolute in California except in San Francisco. Here there was a small rebellious group of Democrats, headed at that time by Gavin McNab, a young and ambitious clerk in the Occidental Hotel, who was studying law in his spare time. He had a great deal of energy and dash and spirit, and was strong against crooked politics. While he was a hotel clerk, with no money except his salary, he already had a small but growing influence, and I took him into account in considering my problem.

There were many angles to my difficulty. Politically, the Bulletin had always been Republican. R. A. Crothers had very strong Republican convictions, and, as I have said, so far as I had any political opinions at the time, they were also Republican.

In addition to this, the Bulletin was on the payroll of the Southern Pacific Railroad for $125 a month. This was paid not for any definite service, but merely for "friendliness." Being always close to the line of profit and loss, it was felt the paper could not afford to forfeit this income. Yet I felt strongly the advantage to our circulation which would come from a startling political fight in which we should be victorious, and in order to make such a fight it was necessary to back a candidate outside the Southern Pacific ring.

It was a delicate situation. However, I reasoned that I could count upon a certain indifference to purely local affairs on Herrin's part, and I believed that if I could find the right candidate I could make the fight successfully.

At this time I had never met Phelan, but I knew that he had taken considerable interest in civic affairs. He had been a director of the World's Fair at Chicago; he had made some contributions of works of art to San Francisco; he was a good public speaker, and a very rich man. I felt that his being wealthy would prevent him from following the corrupt practices that had always been in vogue in San Francisco, would enable him to make a fight against the Republican machine, and would leave him free, if elected, to give the city an independent government.

With these things in mind, I called upon Phelan in his office and introduced myself. I told him that my name was Older, that I was managing editor of the Bulletin, and that I thought he ought to run for mayor.

He looked at me sharply and said, "Why, what put that in your head? What gave you that idea?"

I said that I understood that he was a man of leisure with an interest in civic affairs, that he had ability, that he would give the city a good, clean government. I made a strong plea to him to run for the nomination. I told him that I knew it would be very difficult to persuade the owner of the Bulletin, Crothers, to permit the paper to support any one not a Republican, but I thought it could be accomplished if he would ask a friend of his who had great influence with Crothers to talk with him.

Phelan was noncommittal, but I saw that I had made an impression on his mind.

A few days later Phelan's friend called at the Bulletin office and talked with Crothers.

After he had come and gone I approached Crothers myself and urged that the paper support Phelan. At first he demurred at leaving the Republican party and supporting a Democrat, but I insisted that the election was only local. We could still be Republican nationally and in state affairs; we could go so far as to be Democratic locally and it would not be held against us. I argued strongly that a successful city campaign would largely increase our circulation and aid in putting the paper on its feet. I minimized the possibility of resentment on the part of the railroad.

Finally he reluctantly consented, and on the following day I published the first article suggesting Phelan for mayor. His being a millionaire, of course, made him popular at once. All the politicians felt it would be a fat campaign and there was much enthusiasm for him.

This feeling permeated Crothers' mind also. He felt that our scant finances should be somewhat improved by our support of Phelan. I feared this thought in Crothers' mind because of the public-spirited attitude I had taken with Phelan. I felt ashamed that Phelan should ever know that we would take money from political candidates or from any source other than the so-called legitimate sources.

I hoped to convince Charley Fay, Phelan's manager, to accept the same plan in Phelan's fight that I used in the McKinley campaign; that is, to get Phelan to buy a certain number of extra Bulletin editions. I suggested the idea to Fay that if I could be allowed several 10,000 editions of the Bulletin in addition to our regular circulation, for which we would charge $500, I thought I could hold the paper in line throughout the campaign.

Fay agreed to the plan, and it was understood that a certain number of Saturday nights would be selected for this extra Phelan edition of the Bulletin. I promised him that we would have our regular carriers distribute them and the cost to Phelan would only be 5 cents each, our regular retail price on the streets.

This arrangement seemed to me quite legitimate. I trusted that it might meet Crothers' hope that some money would flow in from Phelan. As the campaign progressed this sum did not entirely satisfy him. It was not the custom at that time to give something for nothing in political affairs, and he felt that the Bulletin's support was worth more than an occasional $500.

His pressure upon me for more money finally became so strong that I called on Charley Fay and told him that I would have to get out another extra edition to the number agreed upon between us. Otherwise I was afraid that Crothers could not be restrained from sending some one from the Bulletin office to make a demand upon Phelan personally. Fay agreed to allow me to get out the extra edition, and by doing so I prevented Phelan from being directly importuned for money. We got through the campaign with no other contributions from Phelan except the payments for these editions.

For years a great many people believed that Phelan had subsidized the Bulletin. Many thought he owned it. These amounts, however, were the only sums paid the Bulletin by Phelan through that campaign. He was elected and, as I had hoped, the fight gave us some standing in the community and materially increased our circulation. Many of our readers believed that we were a free newspaper, as free, that is, as any newspaper could be.

The campaign had not been so seriously opposed by the

Southern Pacific as to disturb our place on its payroll, and up to this time nothing had appeared in the paper to indicate that the railway was controlling us. I felt that I had handled a difficult situation with a great deal of ability and finesse.

A situation was coming, however, that was much more difficult to meet.

CHAPTER V

MY DIFFICULTIES IN THE CHARTER FIGHT

SAN FRANCISCO, of course, was locally controlled by the corporations, which, while they worked in harmony with the Southern Pacific machine, had their own separate organizations in the city. The labor unions were quite strong and were gaining in strength, but as yet they had made no determined effort to dispute the power of the corporations.

So far as I had any attitude toward labor unions at that time I was against them, because they annoyed the paper with demands, and, in my narrow view, made our success more difficult. They insisted upon more money than I thought we could possibly afford to pay.

When we put in linotypes the work seemed so simple and easy that Crothers regretted that we were compelled to pay men four dollars a day. "It's a girl's work," he said. "We could get women to sit there and tap those keys for $1.50 a day. That would be ample. Think of those creatures getting $4 a day for that." I had been a printer in my younger days and had sufficient trade sympathy with the men to resent this suggestion. In the main, however, I held at this time the employer's views on union labor.

It was Phelan's administration that gave me my first social sense. It was not a conspicuously revolutionary administration, but it was conventionally honest, and Phelan felt a genuine desire to serve the people and safeguard their interests.

A Board of Supervisors had been elected with him who responded to him and were incorruptible in the sense of not taking bribes, as nearly all boards prior to this time had done. The administration was based on economy and upon constructive work for the city, for beautifying the streets, building, parks and playgrounds, putting up fountains. Phelan had a deep love for San Francisco and dreamed of making it a clean, beautiful city, worthy of its magnificent natural advantages, its hills and its great bay.

Nearly every step brought him into contact with the old regime. For example, the gas company in lighting the streets charged excessive rates, and the more lights there were the more money flowed in. Naturally it had put in as many gas lamps as it could possibly plant. Phelan in one stroke eliminated 600 of them, cutting the gas company's revenue in proportion. For this he was ostracised by the Pacific Union Club, which could not tolerate as a member a man who had torn up 600 gas lamps to save money for the people at the expense of the gas company.

However, he continued to watch the people's interests, building better streets, better pavements, striking at graft wherever it showed its head, scanning city contracts closely, and keeping the railroad's hand out of the Board of Supervisors as much as possible.

I began to admire his attitude greatly. Up to this time I had concealed from him and his followers the fact that the Bulletin was not free, that we were on the payroll not only of the railroad, but of the gas company and the water company. I wanted Phelan to think that I was an honest newspaper man. Of course, I dimly realized that I was not, because part of my salary came from these corporations. However, I had it in mind to try to eliminate these subsidies if I were ever able to do so. Meantime my earnest effort was to keep them from coming to Phelan's knowledge.

Then Phelan began his fight for a new city charter. He had found that the old charter was inadequate for the reforms he contemplated, and he proposed the election of a Board of Freeholders who would draft a new one. His administration was popular with the people, and their support was behind the plan for a new charter.

The railroad immediately came into the fight with a nominated Board of Freeholders, known as the Martin Kelly Board, but in reality controlled by Herrin. The Bulletin supported the board nominated by Phelan and it was elected.

The Phelan board drafted the charter, and then came its election. By this time the railroad was really fighting in earnest. The new charter, as drafted, spread political power too much for the Southern Pacific's purposes. It provided for many commissions—the police commission, election commission, and others—which would be difficult to control.

The fight had barely started when Crothers came to me and said that W. H. Mills, who handled the newspapers of California for the railroad company, had agreed to raise the Bulletin's pay from $125 to $250 a month if we would make only a weak support of the new charter.

I saw that it would be almost impossible for me to maintain my reputation for honesty with Phelan and his followers and at the same time not offend Mills to the point of his withdrawing his subsidy.

I went ahead desperately, doing my best to satisfy both sides, and daily feeling more self-contempt. Phelan, expecting me to be loyal to the charter, forced me by his very expectation to run several editorials supporting it. I was checked by Crothers, who told me that Mills had complained.

Then I killed several articles that had been prepared by the editorial writer favoring the charter. For several days we were silent.

This brought Charley Fay up to the office. He said: "What the hell's the matter with the Bulletin?" That frightened me.

I went to the editorial writer and told him to write a strong editorial supporting the charter. He looked at me strangely and said: "What's the use? It will be killed."

"No," I replied. "It will not be killed. This one won't. You write it and I'll publish it tomorrow."

The next day I published it in the Bulletin without consulting the owner. The campaign was so nearly over that I was able to finish it without any further complaint from Mills. We won the charter fight and the paper and I came out of it clean, so far as Phelan's knowledge went.

Phelan's first administration was a huge success. The people greatly appreciated the little he had been able to do for them and he became very popular. He was elected a second time under the new charter, to administer it, and then he was elected a third time. It was during these years that Henry T. Gage was picked by Herrin as Republican candidate for governor.

By this time the Bulletin was prospering. The circulation had gone over 20,000; we had cut out the losses and were showing a profit every month. So when it came to a question of supporting Gage, although the Bulletin was a Republican paper and Gage was the nominee of the Republican party, Crothers felt that the influence of the Bulletin was worth more than the Southern Pacific had been paying.

He insisted that I go to Mills and demand $25,000 from the railroad for supporting Gage. I told him that this was ridiculous, that they wouldn't consider such a sum for a minute. He insisted that he would have $25,000 or he wouldn't support Gage, and demanded that I tell Mills that.

I knew Mills very well socially and liked him. In fact, our families were friends. Mills knew how I felt about this sort of thing and he knew Crothers' attitude, so I could be perfectly frank with him. I called on him and said, laughingly, "How much do you think Crothers wants to support Gage?"

He said, "I haven't any idea. Why, how much?"

"Twenty-five thousand," I said.

Mills laughed aloud. He said, "He's joking, isn't he?" I said, "No, he wants that."

"Well," he said, "he won't get it. You can tell him that from me. I'll see Boyle, the business manager, and fix things up a little better for him."

I learned later that they increased the Bulletin's subsidy to $375 a month. The first $125 was for friendliness, the next was to go light on the charter, and the last was for supporting Gage for governor of California.

We were in this position, and I was still maintaining my reputation for honesty with Phelan and his group, when the teamsters' strike occurred, out of which came Eugene E. Schmitz as a political figure in San Francisco.

CHAPTER VI

THE TOBIN-WELLS-SCHMITZ CAMPAIGN

IN THE teamsters' strike in 1901, Phelan was put in a very embarrassing position. The Teamsters' Union, striking for better conditions, had tied up all the teams in San Francisco. Business was practically stopped.

The merchants, also strongly organized, found non-union men to put on the wagons, and demanded police protection for them. They insisted that the streets were made for traffic, that the teams should be allowed to move upon them, that no power on earth should be permitted to delay them.

Phelan hesitated, but the pressure upon him from his old friends and associates was strong; they urged their opinion, which to a certain extent was Phelan's also, as a member of his class. In the end he reluctantly yielded, putting policemen on the wagons with orders to protect the drivers and see that the teams were kept moving.

The strikers formed in mobs and attacked the wagons and the police. There were riots in the streets, men were killed and crippled, goods were destroyed. There was a miniature reign of terror, and armed conflicts raged daily.

The leading merchants urged the Bulletin to stand for "law and order," and against the strikers. It was our inclination to do so anyway, but the merchants held out high hopes for the future of the people if we would stand "right" in the fight. When the Examiner took the side of the strikers our business office had visions of a harvest of advertising contracts.

The merchants immediately undertook to boycott the Examiner for its stand. They tentatively organized for the purpose, but one or two of the business houses refused to sign the agreement, and so defeated their purpose. However, the largest advertising firm in town did withdraw its advertisement from the Examiner for a short time.

At length the strike ended, with a compromise. The teamsters did not get all they had demanded, but they went back to work after having gained a part of it. Labor was enthusiastic for the Examiner, which had fought the labor fight, and that paper's circulation was larger than ever. Immediately the largest advertising firm in town went back, increasing its advertising space there and cutting down the space formerly given us.

When our advertising manager remonstrated, he was told, "Business is business. We are advertising strictly on a proposition of circulation, and your circulation has gone down."

This was true. We had come out of the strike boycotted by labor union men. And we had gained nothing from the business men who had promised to support us.

The trouble had stirred workingmen more deeply than any previous labor trouble. They were advised by the Rev. Father Yorke, who had their confidence, that the thing for them to do was to go into politics and elect a mayor. They organized politically, held a convention, and selected as their standard bearer Eugene E. Schmitz.

Schmitz was at that time a member of the Musicians' Union and leader of the Columbia Theater orchestra. He was every inch the right looking man for a candidate. Tall, well formed, handsome, always well dressed and self-possessed, he was a commanding figure of a man, the center of all eyes in a crowd.

The campaign was a three-cornered one. Asa R. Wells was the Southern Pacific candidate; Schmitz ran as a labor party man; Joseph S. Tobin was the Democratic nominee. The Democrats had tried to persuade Phelan to run, but he had been mayor three times and refused. The best man that could be selected from his group of reformers was Tobin. He had been a supervisor under Phelan, had always fought with the reform element, and had a fine record. He was considered a strong character and a capable, honest man.

Of course, I was very anxious that the Bulletin should pursue the same course it had followed since Phelan first ran for mayor. I wanted to stand firmly by the group of men who had worked with him through the charter fights and through the various reform movements they had undertaken here.

I felt that my personal honor, or rather, their belief in my honesty and my efforts to deserve that belief, was involved in my fighting for these men, whom I respected and in whom I believed. But I was afraid that I would not be able to hold the paper for Tobin because of the money question.

I could not go to Phelan and ask him for money, because I had never betrayed to him that the Bulletin took money; nor could I go to Tobin, who was close to Phelan. But I knew that I must get some money in order to hold the paper to the Phelan group.

I went to Prince Poniatowski, brother in law of Will Crocker, who was a close friend of Tobin. I told him my predicament in confidence and insisted that he must get some money that I could give to Crothers to hold the paper for Tobin. Otherwise it would go where there was more money for it; that is, to the railroad company. The excuse would be that Wells was a Republican, that the Bulletin was a Republican paper, that it had been locally Democratic too long and would now return to its own party. Crothers had already intimated this to me.

Poniatowski said: "I will do all I can, but the best I can do personally is $500 a month for three months through the campaign. I will put up the $1500 out of my own pocket."

I did not dare to go to anyone else, and I hoped, but faintly, that this would be enough. I went to Crothers with the information that I had got $1500 to support Tobin, and he said, "It isn't enough."

I was in despair. Only one other ruse remained by which I might hold him. I asked former Mayor E. B. Pond, banker and millionaire; James D. Phelan, mayor and millionaire, and Franklin K. Lane, then a rising power in California, to call on Crothers and see if they could not prevail on him to stand by Tobin. Always greatly impressed by wealth, I felt that their prominence and financial standing might hold him.

They called, and did their best, but made no impression. Then I wrote an editorial which committed the paper mildly to Tobin, but I did not dare publish it without Crothers seeing it. He was keen on the money scent by this time. When I showed it to him, he said: "The article commits the paper to Tobin." He took a pencil and marked out certain phrases, so that the editorial left the paper on the fence, in such a position that it could support any of the three candidates. I published the editorial as corrected. It was the best I could do.

A few days later the railroad paid Crothers $7500. It was paid to him by a man not openly connected with the railroad. I learned of it almost instantly. The report was confirmed by Crothers ordering me to support Wells.

Tobin learned of the payment of the money and severely criticised me. Then I went to Tobin and told him frankly what had happened, and that I had done all in my power to hold the paper for him. He apologized and said that he was very sorry, that he did not blame me.

Thomas Boyle, the business manager of the Bulletin, at that time was a strong advocate of Schmitz. I, of course, was for Tobin. Crothers was for Wells. The Call facetiously printed an item to this effect:

"Boyle is out for Schmitz, Older is out for Tobin, and Crothers is out for the stuff."

The situation, of course, became well known to the men on the inside of the political situation, but equally, of course, it was not known to the mass of our readers. Our very action in standing for clean city politics, as we had done for several years, added weight to our new position in support of Wells. Thus, to my mind, every article we printed supporting him was a betrayal of our readers, who, gathering their knowledge of public events from our columns, naturally formed their opinions upon what we gave them.

At the time of Schmitz' appearance in politics, Abraham Ruef was a power in the Republican party ring. After Schmitz' nomination, however, Ruef was shrewd enough to divine that in all likelihood labor, being indignant over the treatment given it in the teamsters' strike, would rally to Schmitz and elect him in a three cornered fight. Ruef, therefore, broke from the Republican ring and went over to Schmitz, taking with him many strong political influences. He and his group knew the political game, knew the ropes, controlled the bosses in many districts of the city, and Ruef's going over to Schmitz turned the tide in his favor.

Schmitz was elected. I was furious. While at that time I was not greatly in sympathy with labor, I felt that Schmitz did not even represent labor, that he would not be true even to the men who had elected him, and I was doubly indignant. I smarted under the belief that the Bulletin had betrayed San Francisco, had helped destroy all that Phelan had done for the city.

I was perfectly sure that if we had supported Tobin he would have beaten Schmitz, and I still believe this. Ruef's going to Schmitz, and the Bulletin's going to Wells, undoubtedly defeated Tobin, and we were as much responsible for Schmitz' election in his first campaign as any other force in San Francisco.

My experience in this election had enlightened me considerably. I had begun to feel a disinterested enthusiasm for decent government, and a genuine hatred of graft. I thought I saw a great opportunity for Schmitz, and, sending for Thomas Boyle, business manager of the Bulletin, who was a great friend of Schmitz', I gave him this message to take to the newly elected mayor:

"Tell Schmitz that while I fought him in the campaign not to let that linger in his mind, but to remember this, that he has in his hands the greatest opportunity that any politician has had in America for many a long year. If he will be really true to labor, to the people that elected him, and not associate himself with the evil forces in San Francisco, there is nothing that he can not achieve politically in the United States. He can become governor, he can become senator, can have a very brilliant political career. Tell him that, and warn him against associating with Abraham Ruef, for Ruef will lead him astray."

Schmitz' return answer was that he thanked me very much for my advice, but that Ruef was his friend and they were going to stand together.

This was the beginning of the struggle that led into every corner of San Francisco life, into the depths of the underworld, to attempted murder and dynamiting and assassination, that involved some of the biggest men in the American business world, and wrecked them; that ended by filling San Francisco with armed thugs and overturning the Southern Pacific rule of California.

CHAPTER VII

TRICKING THE CITY

IMMEDIATELY after Schmitz' installation as mayor of San Francisco petty graft began to crop up on every side. Scraps of talk, small bits of evidence, little intimations, came in to me at my office. I heard of bootblack stands, houses of prostitution, gambling joints, that were being forced to pay small graft money. Nothing definite, merely hints here and there, a glimpse of something not quite clearly seen, an atmosphere that began to envelop the city. The big graft did not develop at once, but the times were ripening for it.

From the time of Schmitz' message to me I was bitterly in pursuit of him, doing my utmost to get hold of something he had done or was doing that would uncover the underground truth of his activities. It was something like playing blindman's buff. Constantly I clutched at something that I could feel, but could not quite get hold of.

The graft within the Bulletin office was a different matter. I saw it clearly, and I felt more and more intensely that we must clean our own hands if we were to be at all consistent in our attitude toward other grafters.

The fact that we were taking money from the railroad, the gas company and other public-looting corporations was known in the business office. As a result that department had become permeated with an atmosphere of chicanery and dishonesty. There was petty graft in the circulation department as well as in the business office. Bulletin men, by various shady pretexts, were getting rugs, pianos, bicycles, furniture, jewelry, everything they could get hold of, in trade for advertising. The books were juggled.

That this was a more or less common practice at that time made no difference to me. I was intensely desirous of cleaning up the whole office, in all its departments, so that I could go after Schmitz with clean hands.

Every step I took was combated, within our own organization, by Crothers. He took that attitude not for any reason of inherent dishonesty, but because, like all men, he wanted money, and because he was by temperament opposed to any change in existing conditions.

He came from the middle class in Canada, of a family that was well enough off to educate him at McGill University. He graduated from McGill with high honors, excelling in Greek. He received some kind of medal for his achievements in Greek, and that helped to hold him to what he considered the aristocratic side of life, which in this country is the wealthy.

He had nothing but disdain for men in his employ who were not university men. He overlooked the fact that I was a printer boy in early life, and had been working ever since I was old enough to work, excusing it on the ground that I was unusually clever in making a paper go, and in making money for him. He forgave me for not being a university man, but he had no great respect for my way of thinking.

The methods to which I was opposed were established methods, and he saw no reason for changing them.

At that time the Evening Post was owned by the Southern Pacific Railroad, under cover of an ostensible ownership in the name of Hugh Hume. Hume had bought the paper some years earlier on a very narrow margin of money, and, being unable to swing it financially, he had finally turned it over to the railroad company. W. H. Mills, controller of California's newspapers for the railroads, became absolute director and editor of the Post.

One day Mills suggested to the Bulletin's business manager that there was no sense in a fight between the two papers for the city printing. He offered a plan, which our business manager laid before Crothers. The plan was this: The Bulletin should bid for the printing at a higher rate than the Post, the Post bidding 20 cents a square, and thus getting the city printing. The 20 cents should then be divided between the two papers, the Bulletin getting 9 cents and the Post 11 cents, the Bulletin performing no service for the 9 cents other than the collusive bidding.

This was a felony, and I protested with all the vigor that I could summon, using every possible argument against it. I feared that the thing would become known, ruining the paper, and that what little reputation I had acquired as an honest journalist would be destroyed. I argued with Crothers that we would gain very little in money, perhaps a few thousand dollars, and that the risk was too great; but neither Crothers nor the business manager would listen to me. They insisted that it was a perfectly good business venture, and the paper needed the money.

The agreement was entered into. Subsequently Mills died and the Post was sold to Thomas Garrett, who promptly discovered the felonious agreement, which appeared in the books. He refused to carry out the contract with us, would pay us no money, so that the dishonest deal had only brought us a few hundred dollars.

Later Garrett put in a good sized bid for the city printing. The Bulletin bid under him. But Garrett produced to the Board of Supervisors the evidence of our collusive bidding with the railroad and insisted that we did not appear before the board with clean hands. Our bid was thrown out, Garrett's was accepted, and the Post exposed us.

I still hoped and struggled to make the Bulletin an honest paper, according to my definition of honesty at that time. It had long been customary for San Francisco newspapers to issue what was called an "annual edition." It was always, and still is, largely a holdup. The corporations and wealthy individuals were always bled for sums as large as they could be induced to give up, and they received nothing of value in return, save a vaguely defined "friendliness." We had an annual edition under way at this time, and I went personally to the various corporations and urged them not to contribute.

I went to Tirey L. Ford, general counsel for the United Railroads, and asked him if he had promised any sum of money to our special edition. He replied that he had agreed to pay $1000 for certain publicity.

I asked, "Is there anything you really want to advertise?"

"No," he said, "I am only doing it as a favor to the paper."

"Well," I said, "it won't do you any good, Mr. Ford. You'd better save your money, because I shall criticise the United Railroads if I think they deserve it, no matter what you pay. If you do what is right toward the people, you will receive commendation; otherwise you will receive condemnation, and your money will be wasted. I want you to understand that thoroughly."

He smiled and said: "That settles it. I won't pay the thousand dollars." I said: "I'd rather you didn't."

I then called on the manager of the gas company and had the same conversation with him. He had promised our business manager to contribute quite a large sum, and he withdrew the promise. I visited others for the same purpose, so that when I had finished there was little left of our special edition except violent indignation from the men who were working on it.

I was fully awake by this time to the grafting idea and saw the inconsistency of my hammering away at Ruef and Schmitz for doing the same thing that we were doing. I wanted to be clean, and I wanted the paper to be clean. I was dimly conscious that I was as bad as Ruef, as long as I was taking part of my salary from the same source, and I felt it keenly.

About this time I encountered the coming into San Francisco of the Home Telephone Company. They wanted a franchise, and they had millions back of them. One day Mark Gerstle, a prominent local capitalist, called on me in behalf of the Home Telephone Company and said that he had decided to advertise in the Bulletin and that he wanted reading matter.

I told him he could not have an inch of it, not for $200 a line. Our columns were not for sale. If he incorporated we would publish the news of the incorporation, free; we would publish all legitimate news concerning the company, and if they treated the people well we would commend them editorially. But that was all the reading matter he would get from us. If he wanted to advertise with us he could get display advertising.

He said that he had a contract with the business office for reading matter. I told him that if any reading matter was sent up to me I would refuse to publish it.

Our talk resulted in his going downstairs and breaking his contract. He did not advertise at all in the Bulletin. He did use other papers in the way he had hoped to use us, and later, in the graft fight, the fact came out in his testimony before the grand jury that he had done so. The fact also came out, testified to by Gerstle, that the Bulletin had refused to take his money for the use of our columns.

If Gerstle's testimony had been otherwise, at that crisis in the graft fight, it would have done us incalculable harm, utterly destroyed our usefulness in the fight. Of course, I had no anticipation of the importance of my attitude at the time I took it. It was merely in line with the policy I was trying to establish.

Meantime, I was continuing my hammering away at Ruef and Schmitz, and although I had accomplished little I had succeeded in enraging them. Suddenly one day our newsboys struck. Without warning, as our papers were coming from the presses, ready to go out on the streets, the waiting crowd of boys turned into a howling mob, storming our windows with sticks and stones.

CHAPTER VIII

ON THE SCENT

GANGSTERS in touch with Ruef and Schmitz had organized a newsboys' union, held a rousing meeting and declared a strike against the Bulletin.

The excuse was a petty thing, merely a subterfuge. Like the other evening papers, we were selling the boys two papers for a nickel. They demanded three for a nickel. But we did not learn even this until after they had descended on us, a storming mob, breaking our windows, attacking our clerks, besieging the office. Policemen stood idly on the corners and watched this, doing nothing, under orders.

It was impossible to get a Bulletin out on the streets for sale. Gangs cut the harness from the horses on the delivery wagons that we tried to get out. They stormed our drivers. Professional thugs broke the arms of loyal carriers, beat up our solicitors with brass knuckles. Word had come down from above that the Bulletin must be forced to stop publication in San Francisco.

It did not take me long to suspect the origin of all this trouble. It lasted, however, for several days before I was able to get hold of the men who could stop it. On those days, coming out of the office, I was met by a storm of stones, bricks, bits of wood, everything that could be found and thrown. Whenever I appeared on the sidewalks I was surrounded by a clamoring mob, and had to fight my way through it at every step. I enjoyed it immensely, and had the time of my life handling the situation.

Within a few days I was able to put my hand on the leaders of the framed-up strike. They were well known tenderloin characters, inspired (as I knew) by Ruef and Schmitz. I sent for them to come to my office and said to them: "Twenty-four hours and a thousand dollars to break the Bulletin strike."

Their leader said, "I've got to have more time than that."

"No," I said. "Twenty-four hours."

He thought it over. "A thousand dollars?"

"Yes," I said. "Tomorrow at this time, if the strike is over."

He said he would see what next could be done, and left. The next night the boys who had been attacking us went in a mob to Ruef's house and threatened him with violence. The strike was over, and its leaders had thrown in that act for good measure. That afternoon our papers were on the streets as usual, and I paid the thousand dollars.

In the midst of all this I had a vague intimation that Ruef and Schmitz and the chief of police were taking money from the Chinese gamblers. I could not prove it, but I felt that they were. I was so angry at the whole situation that I printed on the first page of the Bulletin pictures of the chief of police, Ruef, Schmitz and Police Commissioner Drinkhouse, surrounded by a big frame of hands pointing to them, with a caption saying, "One or more of these men are taking bribes in Chinatown."

There was something of a sensation when this appeared.

Ruef immediately ordered the Police Commission to subpena me to appear before that body and testify as to my knowledge. I went down, and they demanded that I tell them what information I had as to their taking money. I said, "I haven't any, except my belief. I am positive that some one of those four is taking money. I am not prepared now to say which one, but I am going to find out."

The situation stood at this deadlock when one day Grant Carpenter, an attorney for the Chinese Six Companies, came to my office and told me that Chan Cheung was the paymaster of the police department. Carpenter said that Chan was responsible for several murders, that he knew the highbinders whom Chan had hired to commit these murders, and that, by putting pressure on Chan with this knowledge, we could make the Chinese reveal what he knew of the police graft.

This sounded good. I was delighted. However, before putting the screws on Chan Cheung I determined to work on Sergeant Tom Ellis, who was in charge of the police squad in Chinatown. I believed that with this information as to Chan we might be able to induce Tom Ellis to confess.

I sent for Captain John Seymour, who had been at one time chief of police, but who was now working for the Fair estate, and asked him to tell Tom Ellis that if he would confess to having been bribed, and would tell us where the money came from, that I would put him on the Bulletin payroll for two years at $125 a month. If he confessed he would, of course, lose his job, and this salary from me would protect him against loss.

Seymour undertook to do this, and succeeded in getting a statement from Ellis that he had been paid $200 a week for seven weeks prior to this time, by Chan; that he did not know who paid other policemen or whether or not Ruef or Schmitz were paid. He understood that ordinary patrolmen got $40 a week, but he did not know whether Schmitz or Ruef or Chief Whitman were getting money, although naturally he assumed that they did. He said he was willing to go before the grand jury and make this statement.

Accordingly, one afternoon at 2 o'clock, when the grand jury was in session, Ellis walked into the room, laid $1400 in bills on the table and said, "I received that from Chan in Chinatown. That's seven weeks' pay to overlook Chinese gambling. I don't know about the others. I only know about myself. There's the money." Then he walked out.

That was the end of that. I had done nothing except to put Tom Ellis on my payroll for two years. I had not got Schmitz or Ruef or Whitman or any one of the commissioners. I had simply landed $125 a month on the Bulletin payroll.

Then I determined to get the truth out of Chan. There was a man on the grand jury, Ed Bowes, who was a good fighter and a loyal friend of mine. I sent for Grant Carpenter and arranged with him to program the highbinders, the murderers, to testify against Chan before the grand jury. Then Carpenter and Ed Bowes and I planned a Belasco drama effect.

I decided that we would take Chan down to the grand jury room, in impressive silence, and at the proper moment the district attorney, who was friendly to us, should walk in solemnly and say:

"Chan Cheung! You think that you are going home to China to spend the rest of your days in ease and comfort, with your family and your children, but you are not. You are going to be hanged."

Then he would turn toward the door, and through it would come the highbinders, one by one.

"Is this the man that hired you to kill so-and-so?" the district attorney would ask each highbinder as he faced Chan.

"Yes, that is the man."

Several times this would be done, one after the other, and when it was finished the district attorney should turn to Chan and say:

"We don't want to hurt you. We don't want to harm you at all. All we want to know is the amount of the money that you pay the police department and public officials and to whom you pay it. Then you can go free, go back to China and spend your old age in comfort and plenty."

This was the plan, the stage was set, the district attorney and the highbinders coached and rehearsed. Everything was ready.

Then I found that Chan Cheung was aware that I was trying to get him, and that he would not come out of his room.

CHAPTER IX

A CHINESE WHO WOULD NOT SQUEAL

THE trap was all set and baited, the trap that we hoped would catch Ruef and Schmitz and Whitman, or at least one of the three, and Chan Cheung, in his room in Chinatown, lay low, refusing to come out.

For several days we had a man watching and waiting for him, with no result. Then one Sunday afternoon I got Ed Bowes up in my room at the Palace Hotel and said to him: "Something must be done. Now, Ed, we've got to have a friend of Chan ring him up on the telephone and tell him to come downstairs to meet him. Can you fix that?"

"Yes, I'll do that," he said.

"I want you to be waiting with a hack, and the minute Chan appears to throw him into the hack and drive off. Tell him you are an officer of the grand jury. Carry him off to the Occidental Hotel, put him in a room, and stay there with him. See that he doesn't have any opium, and don't give him the slightest hint of what is going to happen to him. Tomorrow morning take him to the Mills building and up to the grand jury room, and we'll do the rest."

Ed Bowes did this, succeeding in kidnaping Chan without a slip, and sixteen hours later brought him into the grand jury room. The old Chinese was shaking and nervous, excited, not knowing what would be done to him, and suffering from having no opium for sixteen hours. The district attorney came in solemnly, and our whole program was carried out as completely as a play on the stage.

"Chan Cheung," said the district attorney, "you think that you are going back to China, to live the rest of your days in comfort and prosperity, with your children around you. This will never happen. You will be hanged."

Chan did not say a word.

One by one the highbinders slid in like ghosts, without a sound, and to each one as he came in the district attorney said: "Is this the man that hired you to kill so-and-so?" Each highbinder looked at Chan for a long moment, then bowed his head and said: "This is the man."

When the murderers had come and gone the district attorney made his solemn speech: "Chan Cheung, we don't want to hang you. We don't want you to die in a prison, on a scaffold, with a rope around your neck. Tell us who takes the money from you for protecting the gamblers, and we will let you go. You can go back to China and live in peace and comfort and plenty all your days, and die at last in your own country with your children around you."

Chan listened to this in silence, without moving a muscle. Then he said, looking around the room: "Where your nineteen men? One, two, three, four—grand jury nineteen men. I no sabe." He shut up and would not say another word. He had met only the police committee of the grand jury.

This was reported to me, in another room, and I was savage. "Well, put him back in the room at the hotel. We'll give him nineteen men," I said. "Put him back. And give him no opium."

On Tuesday morning I got a courtroom, a Superior Court room, with the big mahogany desk and the trappings and properties of the courtroom all there, rich and impressive. The grand jury was there, in the jury seats, nineteen men, all looking very solemn. The foreman sat on the judge's bench in state.

Chan Cheung was brought from the Occidental Hotel and marched in silence through the big room to a place before the judge's bench.

"Now," the foreman said, severely, "tell us. Give us this information about paying money to the police, Chief Whitman, and so on."

Chan would not speak.

"All right. You don't tell us, we will indict you for those murders and hang you."

"No sabe," Chan said. It was impossible to get another word from him.

The handcuffs were clapped on him, he was indicted for the murders, and still he would not talk. "No sabe," he said.

Then he was thrown into a patrol wagon and taken away to the county jail. Locked up in the county jail in a small cell, he was given the worst kind of treatment, of course. But never a word.

He had come from China to learn some of the white man's ways, but he had not learned all of them.

And all the while Chief Whitman and Ruef and Schmitz were smiling around the streets of San Francisco. They knew the Oriental. They knew we could boil him in oil and he would not talk. They knew the Oriental, and I didn't. But I learned to know him then.

The thing ended with nothing accomplished, except Tom Ellis on the Bulletin payroll for $125 a month. Chan was released on a writ of habeas corpus and has since died. By that time the matter had dragged on and on until every one was tired of it, and finally Tom Ellis went to the grand jury, demanded the return of his $1400 bribe money, and got it.

Of course, I did not give up. I had to abandon the Chinese gamblers, but I began again on the municipal crib. I thought that if I could only link the administration up with taking money from the women at 620 Jackson street, at last I would have something to wake up the people of San Francisco. They surely would not stand for a mayor who took money from prostitutes.

This house, that I called "the municipal crib," had been built by Schmitz contractors, Schmitz had been interested in the construction of it, and there were all the earmarks about the whole affair that would indicate that the administration had knowledge of the use of the place, and would also have some control over the revenue. There were sixty or seventy women in the place, and I was positive that they were all paying revenue to Schmitz.

But all my efforts at getting positive evidence of it were fruitless. I had the grand jury raid the place two or three times, take the women and question them. I exhausted every expedient I could think of, without result.

One morning when I had practically given it up, a quite attractive young girl came into my office at the Bulletin and said:

"I'm from 620 Jackson street, Mr. Older, 'the municipal crib,' and I want to help you. I haven't very much information, but I have a little I'll gladly give you, if you will see that I'm protected. Of course, they will be very angry when they find out that I have come to you, and I don't know what may happen. If you will hide me somewhere until it's over, and then give me money to leave town, that's all I want."

Of course I agreed to this, and she told me what she knew, enough to confirm my suspicions, but hardly enough to take into court. She saw herself that she did not have very definite legal evidence, and said: "I have a very dear friend over there, Clara, who knows more than I do. She is quite intimate with one of the men who collect for the higher-ups, and she could tell you something worth while."

That evening she brought Clara up to my office. Clara, a startling-looking girl, black haired and black eyed, dressed in black velvet, flashed up and down the office, panting with indignation, furious, abusing me for even thinking that she would turn on the people who ran the place. Lily tried to calm her, but she raged, calling us both everything she could think of.

However, at last we quieted her, and prevailed upon her to promise to go before the grand jury the following day. She told me enough to convince me that at least I had convincing evidence against men directly responsible to Schmitz.

Those who were interested in the municipal crib had learned immediately that Lily had come to my office. They hunted the town over until they found the hotel in which I had placed her, registered under an assumed name. When she came out of this hotel next morning to keep her appointment with me at 10 o'clock, there was a coupe waiting at the curb before the door, and in it a landlady who had once been kind to Lily when she was ill. They had taken the trouble to search for this landlady, to find her and send her there.

CHAPTER X

THE STORY OF LILY

LILY, hurrying to keep her appointment with me, was stopped by this landlady who had been kind to her. The landlady urged her to get into the coupe and drive away with her. She promised Lily that she should to given ample money, sent anywhere in the world that she wanted to go, and provided for.

"You can go to China, to Japan, wherever you like, and live like a lady," she said.

"No; I've got to keep my appointment with Mr. Older," Lily said.

"But he's the very man we don't want you to see!"

"I've got to go. I told him I would," Lily insisted. She refused to get into the carriage, and hurried to my office.

She and Clara went before the grand jury, and Lily told all that she knew, simply and directly. But Clara had turned on us again and would tell nothing of any value. Lily's testimony alone was not sufficient to warrant issuing an indictment, and so that hope was destroyed as so many had been.

According to my promise, I gave Lily a small amount of money, enough to take her to some town in Nevada, to which she wished to go, and she dropped out of sight. Many years later, when I had long forgotten the incident, I received a frantic telephone message asking me to come at once to an address far out on Mission street.

I went, and found Clara, very much changed, quietly dressed and pale, in a comfortable, plainly furnished flat. She told me that Lily was dead, shot by a drunken man in a house in the interior of the state.

"I'm sending her body back to her people," Clara said. "They don't know that she's been out of town; she's kept them thinking that she's here working. I don't know what to tell them. I wrote a letter to her mother, saying that she had died of typhoid fever. Then I was afraid they would see the bullet holes, so I wrote another, and said she had been shot by accident, on the street. I don't know which one to send."

I told her to send the second one.

I asked Clara for the details of Lily's death. She told me that a wealthy oil man shot her and then killed himself. "He wanted Lily to marry him," Clara said, "and he killed her because she wouldn't." "Why wouldn't she marry him?" I inquired. "Because he drank terribly," Clara replied, "and Lily didn't respect him."

We talked for a few minutes, and she said: "Do you notice how much I've changed? I'm married now to a man I knew when I was a little girl." She seemed very contented and happy.

After the failure of that attempt to produce evidence for the grand jury, my struggle with Schmitz became for a time purely political. The campaign of 1905 was approaching, the legislature was in session in Sacramento, and political events were becoming most interesting.

Gavin McNab had been having a violent quarrel with the Examiner. The Examiner was opposing McNab's domination of politics in San Francisco, and in the course of their investigation of his affairs they had discovered that the manager of one of McNab's building and loan associations was an embezzler and had done many a dishonest thing. The Examiner was making a strong fight against this man, in order to attack McNab, who kept him in his position. In an effort to discredit McNab by bringing out more fully the story of this man's dishonesty, the Examiner was working through the building and loan committee in the Senate.

McNab was attorney not only for this particular building and loan association, but also for the Phoenix, which was under fire. The man in charge of this second company was Clarence Grange. By forcing an investigation of these companies through the building and loan committee of the Senate, then in session, the Examiner hoped to bring out the facts behind McNab's control of the two associations.

Grange had not been personally attacked, but he feared that any hostile investigation of the two companies might result in harm to them, and McNab shared his apprehensions.

While the companies were under investigation by the committee, a newspaperman named Joseph Jordan, who had become a lobbyist in Sacramento, came down to San Francisco one Sunday morning and called on Grange. He told Grange that for $1650 he would guarantee that Senators Emmons, Bunker, French and Wright, members of the committee, would vote to whitewash the companies. He had to pay each of them $350, and he wanted $250 for himself.

Grange agreed to give him the money, but, before doing so, sent for Gavin McNab. McNab had a brilliant idea, but, saying nothing of it to Grange, he agreed to the plan.

That evening he telephoned me, saying that he had something of importance to tell me, and wanted me to come immediately to my room in the Palace Hotel. When I reached the hotel I found him walking up and down in the corridor, and we went into my room, where he told me what had occurred.

"Now," he said, "I've got this thing all figured out. To-morrow a man will come up to your office with a package. You have $1650 ready in greenbacks, before he comes, and you mark them yourself. When this man comes with the package, you take it from him, step into the next room and take his money out of the package. Put your marked bills inside, give him the package. Then put your money back into the bank and leave the rest to me. I'll see that each of those committee members gets his money, and I'll have them watched so we can prove that they received it."

I said: "But—but Grange thinks he's bribing them, doesn't he?"

And McNab gave a step or two of the "Highland Fling," crying: "Yes! That's the beauty of it. He does think so. Isn't it great?"

The next day, as agreed, I procured the money and marked it, taking photographs of the marked bills. The man arrived, I took the package from him, changed the money, returned the package to him, and he went out. Then I set to work to prepare the story.

I made a four page layout of it, with pictures of the marked money, pictures of the four Senators, flaring headlines, and every detail of the story. I was obliged to trust thirty men in the Bulletin office with the story, and not one of them let out a word of it to the other papers. We worked all one Sunday, printing 20,000 copies of this extra, and I hired a special train on the Southern Pacific Railroad, placed the papers in the car, and held it for orders.

Meantime McNab had the money paid, covering every move in the transaction by witnesses. He employed Frank Nicol, a prominent attorney of Stockton, to prepare a statement disclosing the bribery, and arranged that he should rise to a question of privilege in the Senate and read this document on the floor. The four Senators who had received the money would be at their desks, and this would be their first knowledge that they had been caught.

Everything was arranged when I left for Sacramento. Franklin K. Lane happened to be here, and Arthur McEwen, a well known writer. I told them about it and they went with me, to see the fun.

CHAPTER XI

TRAPPING FOUR SENATORS

ON MONDAY, when the Senate opened, McEwen, Lane and myself were sitting in the Senate chamber, well up in front, so that we could watch the expressions of the four Senators when the story of the bribery was read. I had a reporter at my side, and as soon as the Senate convened he opened a telephone line to the Bulletin office in San Francisco, and kept it open.

The Senate opened with the usual solemnity and prayer. As soon as possible Nichol rose to a question of privilege, spread open his document, and began to read. I whispered to the reporter to telephone to San Francisco, and the special train started, bringing the Bulletin extras.

The four Senators went white when they realized the meaning of Nichol's statement. Lane, McEwen and I watched their changing expressions. When Nichol had finished each one of them rose and stammered a feeble and blundering reply, pale and trembling. Then uproar broke loose in the Senate.

Stormy speeches were made. An investigation was demanded, a committee was appointed. By the time the Senate adjourned newsboys were swarming into the lobby with the Bulletins, carrying the story.

Joe Jordan was there. He rushed to the telephone and called up Grange in his office in the Mills Building, where he had been sitting all day unconscious that he had not committed a felony.

"Have you seen the Bulletin?" Jordan demanded, wildly excited.

Grange said: "No. Why?"

"Go out and get one!"

Grange did so, and discovered that he was a hero, a social reformer, a public spirited citizen.

He was subpenaed to appear before the investigating committee of the Senate, and at the hearing he said that he felt that the corruption of the senatorial body of California was an outrage; that it was an offense to every honest citizen; that he had felt it his duty to his state to devise this method of disclosing the corruptibility of the elected representatives of the people.

Of course, I knew the truth. I knew that he had intended to bribe those Senators, that he had been surprised and confounded by the discovery that he had not done so. But it was not my play to disclose that knowledge at that time, nor have I ever done so until now.

All four of the Senators were indicted. Bunkers went to San Quentin for a term of years. Emmons also became a convict. Wright fled to Mexico, and French was acquitted and ran again for the Senate, getting 3000 votes in his district.

My knowledge of the truth of this matter was of great value to me later, resulting, indeed, in the nomination of a candidate for Mayor against Schmitz in the approaching election.

Herrin had become fearful of Ruef's growing power in San Francisco. He saw in Ruef a rival who was becoming dangerously strong, so he agreed with us, the reformers, that the Schmitz machine must be defeated in the coming primaries.

At about this time Fairfax Wheelan, a prominent merchant here, became imbued with the idea that he should take a hand in reforming San Francisco, and the first move that he made was to organize the San Francisco Republican League. The purpose of this organization was to bring about a coalition of the Democrats and Republicans in the mayoralty election, so that there would not occur again a three cornered fight, during which Schmitz could slip into office.

Wheelan appointed on this league a number of well known men. He gave me one man, Ed Bowes; he appointed one for De Young of the Chronicle, one for Herrin, and the rest of the league was made up of well known politicians.

This group agreed to give me the power of bringing together the two groups, the McNab group and the Fairfax Wheelan group. They also agreed that if Herrin would play fair and join them in the fight to beat Ruef in the primaries they would work harmoniously with the railroad organization. I was friendly to all the factions and undertook the task of unifying them in the approaching fight.

The railroad people, Jerry Burke, Arthur Fisk and George Hatton, representing Herrin, told me that I should have the negative power on the candidate for mayor; that is, that they would not insist on any candidate whom I opposed.

The three groups agreed that the Republicans should have the mayor and the Democrats should have the other offices.

The first name that Burke and Hatton presented to me was that of Judge Sloss. I told them that I did not think he could be elected. He was a good man, but he was not a good mixer, not a good campaigner, not the kind of man who could beat Schmitz. While I thought that he would make a good mayor, I did not believe that we could win with him.

I then suggested Colonel Kirkpatrick, manager of the Palace Hotel. I knew that he was a Herrin man, but I also knew that he was financially incorruptible. He was a good mixer, fond of horses, a good story teller, a man about town, who drank a little, had a lot of magnetism, possessed all the qualities that I thought a candidate must have in order to be elected. Burke and Hatton were glad to accept him.

Before presenting the name of Kirkpatrick to McNab, I went down to his office with Thomas Hickey and said: "Mr. McNab, very soon I am going to bring you a name from the Republicans for you to indorse in your Democratic caucus, and I want you to accept it."

"You mean on sight, and unseen?"

I said, "Yes."

"You mean that you will put the name in an envelope, seal the envelope and give it to me, and that whatever name I find I'll accept it?" I said: "Yes, if you want to put it that way."

He said: "All right. I'll do it."

The next day I brought him the name of Kirkpatrick. He flew into a violent rage and said that Kirkpatrick was a Herrin man. I admitted that he was, but pointed out my reasons for urging him as a candidate. "I want you to accept him. I want you to do it," I said.

I left, with no definite assurance from him, and I was suspicious from that moment that McNab had some candidate of his own that he was planning to nominate in conjunction with Fairfax Wheelan of the Republican League. In fact, I had heard rumors to that effect, and the man had been mentioned—Harry Baer, who was at that time the Republican auditor of San Francisco.

However, the good faith of McNab and Wheelan was pledged to the agreement with the railroad people, and I made one more effort.

CHAPTER XII

PARTRIDGE IS NOMINATED

I FELT that our hope of preventing Schmitz from again becoming mayor lay in combining all the Republican and Democratic forces behind one man, to be the opposition candidate.

It seemed to me that success had been almost in my hand. Wheelan of the Republican League, McNab, controlling the Democratic strength, and Herrin, dictator of the Southern Pacific machine, had all agreed to back the man I chose. When I saw that McNab and Wheelan were conspiring to defeat that agreement, I was in a cold, fighting rage.

I went to the railroad people and suggested, since McNab objected to Kirkpatrick, that we substitute John Lackman. He had been supervisor and sheriff, and, justly or unjustly, he had been given the title of "Honest" John Lackman. I knew that he was a railroad man, but I thought that he was as good as anything we could get for mayor.

When I suggested "Honest" John to Jerry Burke and Hatton they said, "Surely. He is all right. We will stand for him."

I telephoned to San Anselmo, where he was staying, and asked him to come over at once, without a moment's delay. He hastened to Hatton's office in the Crocker building, and I explained the situation to him, saying that we would run him for mayor, with both the Democratic and Republican nominations.

He agreed to run, and Jerry Burke said to him, "All we ask of you, John, speaking for the Republican party, is that when you are elected you give us an even break."

Lackman replied, "Why, certainly. I will do that. It's a fair request."

I hurried from Hatton's office to McNab and told him that I had hit upon John Lackman for the coalition candidate. He considered the suggestion for a moment, and said, "I think maybe something can be done with Lackman. We'll all meet you in your office tomorrow morning at 10 o'clock and talk it over."

The next morning at 10 o'clock Wheelan, McNab and one or two others came to my office. Wheelan began the conversation by laying on my desk a typewritten sheet, containing the names of every office in the mayor's power to fill, with the name of a man for each. He asked me whether or not Lackman would appoint those men if he were elected.

When I had read that paper I leaned across my desk and looked at him.

"That's a felony!" I said. "Isn't it? You're a lawyer, Mr. McNab. Isn't that a felony?" McNab hesitated. Then he said, "Yes, Older is right. It is a felony. A pre-election bargain is a felony."

Wheelan was momentarily staggered by the situation. He said that perhaps we had better wait a while, and discuss the matter later.

They left my office, and went to see Lackman. They told him that I had suggested him as coalition candidate for the nomination. Then, pulling out this list of offices, they asked him if he would appoint the men whose names they had chosen.

He said, "I certainly will not. The railroad people haven't asked anything of me but a square deal, and I'm going to give it them, and to you, and to all the others. I promise that, and that's all I promise. This thing you're talking about is against the law."

They came back to me that afternoon and refused to accept him as their candidate.

The Republican League was to meet next morning, and by this time I had learned definitely that McNab, in league with Wheelan, had decided to nominate Harry Baer, breaking their agreement with the railroad people. I spent the night thinking it over.

Early next morning I sent for John S. Partridge, a young and promising lawyer, fairly well known in politics, and a member of the Republican League. He was an upright, upstanding young fellow, known to have lived a clean life and to be thoroughly reliable. I invited him into my office and said to him, "John, it's you for mayor. Don't say a word about it to any one."

He was stunned. He said, "You don't mean it. You are joking. Why—how could it be done?"

"Never mind how it can be done. You go up to the meeting and sit in there. Don't say a word, just watch it work out."

When he had gone I got in touch with the railroad people again and asked them if they were satisfied with Partridge. They immediately said that Partridge was all right. Then I sat down and wrote an editorial.

In it I revealed every detail of the attempted felony of Wheelan and McNab, denounced them for it, washed my hands of the entire crowd, and cast them to the wolves. With this editorial in proof, I sent for Ed Bowes, my man in the Republican League, and one other member of the league.

"I want Partridge nominated by 2 o'clock today. If he is not endorsed at 2 o'clock, this editorial will be published. Read it."

They read it. They were very much excited, and rushed out of the office with hardly a word. At 1 o'clock Bowes came back, perspiring, and asked me if I would make it 2:30.

"No. Two o'clock, or the editorial goes. That is our press time."

At 2 o'clock Bowes rang me up and told me that Partridge had been selected by the Republican League.

McNab had felt that some embarrassing situation might arise during the day, so he had told his friends that he was going to Sacramento to try a case in the Supreme Court. Then he remained all day buried in his office here, thinking that the Harry Baer scheme was going through as programmed, without a hitch. Early in the day Hugh Burke, a reporter for The Call, called at his office and McNab saw him, knowing that Burke was not in on the fact that he was supposed to be in Sacramento.

Burke asked, "Who's the man for mayor, Mac?"

"Baer," said McNab.

Burke said, "What about Older?"

"Oh, to hell with Older!"

At 3 o'clock, after Partridge had been nominated, Burke dropped into McNab's office again, and, supposing that McNab knew what had happened, remarked, "Well, I see it's Partridge."

McNab, startled, said, "Partridge? Oh, yes—you mean for chairman of the Republican convention."

"No! mayor," said Burke. "He's been endorsed by the Republican League."

McNab, wholly unprepared, leaped from his chair and exploded.

When I came into his office at 5 o'clock the "old guard" was all lined up against the wall in a row. McNab was purple in the face. He said to me:

"So it's that foul bird, Partridge, is it?"

"Yes, it's Partridge," I said.

"Well, let's see you nominate him. Let's see you get him through the conventions."

"But," I said, "he's my man and you agreed to nominate the man that I brought you."

"Just let's see you put that bird in!"

That frightened me. The Republican convention met that evening and I feared McNab might have sufficient influence in the convention to defeat Partridge. I went out and hunted up Partridge and told him that he must nominate himself as soon as the convention opened. He must give McNab not a moment to start anything.

The convention met in old Pioneer Hall. When it assembled I was walking up and down in a dark alley beside the building. Through the window I saw hats going up in the air and heard a roar of cheers, and I knew that Partridge was in.

I walked out on to Market street, and found McNab standing there with Fay and Braunhart. "Partridge is nominated," I said.

"You aren't going to get him through the Democratic convention," McNab said. "If you put him over on us it will be over my dead body."

I said good night, and walked away.

Note—John Lackman, in a letter, objects to my saying that I knew him to be a railroad man, and adds that "there is not a single vote or action of mine on record, or destroyed, upon which any one could put the construction that I was a railroad man." He also denies that McNab was one of the men who wanted to pledge him on patronage.

When I said I knew Lackman was a railroad man I based my statement upon the fact that Arthur Fisk, George Hatton and Jerry Burke, all representing Herrin, told me that Lackman was all right and would be acceptable to Herrin.

I did not say that McNab called on Lackman in the matter of patronage. My recollection is that Rich and Wheelan called on him. McNab did not.

CHAPTER XIII

PLAYING MY LAST CARD

I WAS considerably disturbed by McNab's threat concerning the Democratic nomination. With Partridge nominated by the Republicans, it needed only the nomination of another man by the Democrats to kill absolutely our hopes of defeating Schmitz. Another three-cornered fight would inevitably put him back in office.

Now, McNab and Wheelan were not a whit less sincere than I in a desire to thrust Schmitz out of the mayor's chair. Whatever motives actuated them—and we were all impelled by desire for power, prestige, success—they were earnest and sincere reformers in politics. They wanted to clean the grafters out of San Francisco.

But when they went into politics they went into a dirty game, and they found it must be played in a dirty way. They did not trust a railroad man to play fair with them, so they did not play fair with the railroad. They did not know that nowhere in the world is honesty more necessary than among thieves.

The railroad did know this, and never, in my whole relations with them, did the Southern Pacific politicians break a promise. The reformers did. Wheelan and McNab had broken their agreement with me; they had broken their agreement with the railroad. And the only hope of defeating Schmitz lay in standing shoulder to shoulder with the railroad in this fight.

I was in despair. If McNab, furious at my putting Partridge over on the Republican convention, nominated another man for the Democrats, the fight was lost before it began. And I did not believe that there was any possible way in which I could nominate Partridge in the Democratic convention.

In this mood, I received a subpena from the Superior Court in Sacramento citing me to appear the following day as a witness in the Emmons case. Emmons was on trial for accepting bribe money from Grange in that affair of the building and loan committee.

The subpena reached me late in the afternoon, and that night the Democratic caucus met to nominate its candidate for mayor.

That evening my wife and I were at the Palace Hotel.

I asked Dr. Washington Dodge to come up to my room. He came. I said: "Doctor, I hate to ask you to do this, but I'm desperate. It's the last shot in my locker. The Democratic caucus meets tonight at 8 o'clock. I want you to go over and see McNab. I want you to tell him that unless Partridge is nominated at 8 o'clock tonight I will go to Grove L. Johnson, attorney for Emmons, and I will tell him to ask me, when I am on the stand as a witness, whether or not Grange intended to bribe the Senate committee.

"My God! That's an awful thing to ask me to do," Dodge replied.

"I know it. But you must do it, doctor. I'm desperate. I must have Partridge nominated. I tell you we've got to beat Schmitz."

"All right," he said. "I'll do it."

He went away, and shortly afterward Mrs. Older and I went down to dinner. We were sitting at our table, in the old Palm Court of the Palace, when I happened to look up. Through the glass that surrounded the court I saw the white face of Dr. Dodge. I rose and went out to him.

He was much agitated. He said: "I gave the Scotchman your message." I waited, and he went on. "His reply was: 'Tell that long-legged blank blank blank that if I am alive at 8 o'clock tonight Partridge will be nominated."

At 8 o'clock, with wild enthusiasm, Partridge was endorsed by the Democrats as the reform candidate for mayor.

That was a jubilant night for me. The Bulletin next day was full of rejoicing in the prospective victory of right over all the powers of graft and corruption. And this was sincere on my part, for I honestly believed that Ruef and Schmitz were the bad forces in San Francisco, and that when they were eliminated we could have a clean city.

I plunged immediately into a most malignant campaign against Schmitz. The Bulletin was filled with cartoons showing Schmitz and Ruef in stripes. Our editorials declared that these men should be in the penitentiary and would be put there eventually. I spared no effort in running down and printing news stories to their discredit.

At this time I used to dine frequently at Marchand's, a famous restaurant here, controlled by Pierre. One evening when I entered Pierre met me with a face of despair and said: "Mr. Older, I'm a ruined man. They're going to put me out on the sidewalk after all these years building up this business."

"Why, Pierre, what is the trouble?"

He told me that the French restaurants were threatened with loss of their licenses. I said, laughingly: "Why don't you see Ruef?"

But he was utterly hopeless. He said that nothing could save him.

A few days later a friend telephoned my office and told me that the French restaurants had paid $10,000 for protection, and that they would not lose their licenses. I rushed over to Marchand's.

Pierre was seated at a side table, his spectacles on his nose, contentedly reading his Chronicle and sipping black coffee, apparently at peace with the world. I said to him, "You look happy, Pierre!"

He replied: "Yes, Mr. Older. My troubles are over. You know, when you are seeck, send for the doctor. Well, and I send for the doctor—Dr. Ruef—and everything is all right."

This confirmed the information I had received over the telephone, and that afternoon the Bulletin printed the story with a flaring headline across the front page. My recollection is that all the other papers permitted me to have this scoop without protest, and made no effort to follow up the story in their own columns.

My old hope of basing some criminal charge against Ruef and Schmitz flamed again and I interested the foreman of the grand jury in it. He employed a well known lawyer and paid him a fee to look up the law and see if there was basis for criminal prosecution in the French restaurant story. The lawyer put in two weeks on the case, wrote a report and sent it in with a bill to the grand jury, advising that nothing could be done.

Meanwhile the Partridge campaign was being waged with great enthusiasm on my part. I did not for a moment believe that he could be defeated. I was so wrought up that I could not believe that labor would stand by men so discredited as Schmitz and Ruef, and it was far out of the range of my thought to imagine that any great number of the business men would vote for them.

Of course, McNab and Wheelan were deeply angered by the enforced nomination of Partridge and there were rumors that secretly they were working against him, but I had no evidence that they were. Certainly they did nothing for him.

I made what I considered at the time a very strong and effective fight. Partridge campaigned the city, speaking in all the districts. The burden of all his talks was the shameless graft that was going on. The billboards were covered with his utterances, headed always with a big, attractive line, "Partridge Says——" The Bulletin hammered ceaselessly at Schmitz.

Even on the day of election I could not be convinced that

Schmitz would win. Many people came to me and told me that they heard nothing but Schmitz sentiment, but I simply would not listen to them. It was impossible for me to realize it.

Even one who was deaf and dumb and blind should have known the truth, but I didn't. I went to my office on election night confident that we would win.

CHAPTER XIV

PLANNING THE GRAFT PROSECUTION

AT SEVEN o'clock that night I sat in my office watching the news of our defeat flashing on the bulletin boards. Schmitz was elected.

It was incredible to me. I could not believe it, though I knew it was true. I could not believe that the people of San Francisco had again chosen the Schmitz-Ruef crowd to rule the city. But they had. The fight was over, and we were overwhelmingly defeated.

Crowds of Schmitz-Ruef enthusiasts were marching up and down the streets beneath the windows, yelling, half mad with excitement. Rockets were going up, whistles were shrieking. It seemed that all the powers of bedlam had broken loose.

Out in the local room the reporters were working at fever heat, checking up the returns and writing bulletins, in a confusion of noise and hurry and excitement. In the earlier part of the evening various men who had been in the fight dropped into my office to say a word or two: "Well, we're beaten." After a while they stopped coming.

Mrs. Older was with me, and Arthur McEwen, a well known writer, who had been helping make the fight on the Bulletin. We did not say much. We just sat there in despair. McEwen said he was through. He would not remain in the rotten town. He was going back to New York the next day. I could not do that. I had to stay.

About 10 o'clock the mob outside, going mad with victory, attacked our office and smashed the windows. They screamed and jeered, howling insults while the glass crashed. When Mrs. Older and I came out of the office we were assailed with yells and hooted all the way down Market street to the door of our hotel.

I went to bed feeling that the world, so far as we were concerned, was a hopeless place to live in. At a late hour I fell asleep, only to be awakened almost immediately by the shouts of bellboys in the corridors. They were calling that the Chronicle building was burning, that all the guests must rise and dress; the fire might extend to the Palace.

We hurriedly threw some thing into a dress suit case and rushed out into the hall. Others were doing the same. With other hastily dressed, excited, half delirious persons we rushed to the Market street side of the hotel and watched the tower of the Chronicle building burn, a blaze of flames.

A victorious skyrocket had been shot up into the sky, and descending on the Chronicle tower had set it on fire. But against the blackness and excitement of that night it seemed like the breaking loose of unearthly fiends, as though the powers of darkness had clutched the city and were destroying it, as though the end of the world was upon us. Overwrought as I was from the long fight and our defeat, nothing was too wild for me to imagine.

When, after some weeks, my mind returned sanely to the fight that I had lost, I reasoned this way about it: The people of San Francisco did not believe me. They thought I had some ulterior political motive in fighting Ruef and Schmitz so desperately. There was only one way in which they could be convinced that I was telling the truth. I must prove my charges in court.

I recalled a speech Francis J. Heney had made one night during the election, in the Mechanics Pavilion. He had said: "If the people of San Francisco ever want me to come back here and put Abe Ruef in the penitentiary, I'll come."

My mind dwelt on that. I thought, "If I could only get Heney——" He was at that time a conspicuous prosecutor of land frauds in Oregon, and had acquired considerable national reputation in this work. If only I could get him—— There was the French restaurant case. Something could surely be done with that.

In my mad desire to get Schmitz and Ruef I conceived the idea of going to Washington and asking Heney to come to San Francisco to start a case in the courts. I knew, of course, that he was working for President Roosevelt at that time in the Oregon land fraud cases, but my own obsession was so great that I believed I could convince Roosevelt that the graft in San Francisco was far more important than the land fraud cases in Oregon.

At any rate, I told Mrs. Older and Crothers that I was going. They both said, of course, that it was a crazy thing for me to do, but I was much disturbed and excited, and the trip would perhaps be good for me. They both believed that my plan was an idle dream, that nothing could come from it. But I would rest and become calm, maybe, and the journey could do no harm.

So without letting anyone know, other than Crothers and Mrs. Older and Eustace Cullinan, who at that time was editorial writer on the Bulletin, I departed for Washington.

By appointment I met Heney at luncheon at the Willard Hotel, and told him my mission. I also told him that I thought I had one definite case that he could make good on in the courts—the French restaurant case. Heney said that he would be glad to come, but that he would want William J. Burns, who was working with him as a detective in the land fraud cases. They were both employed by the government.

He asked me to meet Burns in his rooms that afternoon. I did so, and we had a long talk. Burns was eager to come and so was Heney, but Heney said: "We'll need some money."

I said: "How much?"

He thought about a hundred thousand dollars would be as little as we could afford to begin work with. In my desperate frame of mind I said: "Well, I'll take care of that. I'll arrange it."

The following morning I saw President Roosevelt, who said that he was in sympathy with what I was trying to do and would do all in his power to help, but that he could not see his way clear to release Heney and Burns. Perhaps, he said, something could be done later.

With these half-satisfying assurances I returned to San Francisco.

When I had so rashly promised to raise a hundred thousand dollars I had in mind James D. Phelan and Rudolph Spreckels. I came back, revolving all the way across the continent the probabilities of being able to get such a sum from them for this purpose.

Immediately upon my return I had a visitor who gave me the first ray of hope that had shone for me since the election. This visitor was Langdon, the newly elected district attorney.

The Ruef ticket had been made up rather loosely, with a number of men more or less connected with labor as supervisors, and Langdon for district attorney. Langdon up to that time had been superintendent of schools.

His opponent was Henry Brandenstein, one of the strongent figures, from our point of view, in San Francisco. He had rendered excellent service as a supervisor, and as chairman of the finance committee, and had stood for all the reform measures we were interested in. Under the old system of voting, I think undoubtedly he would have defeated Langdon. But, for the first time, in this election voting machines were used, and no one understood them very well. In order to scratch a ticket one had to understand these machines better than most voters could understand them, so, rather than not vote for Schmitz, the voter banged one key and voted the whole ticket in. This was the reason for Langdon's election.

I had not thought much about Langdon, assuming, in general, that he would stand with the people with whom he was more or less loosely allied politically.

Shortly after I returned from Washington, however, I called upon him at his office. We talked for a moment or two, and he said:

"Mr. Older, I think perhaps you misunderstand me because of my affiliations in the election. I want you to know that I am the district attorney of San Francisco. My duty is to enforce the law." He picked up a copy of the penal code that lay on his desk and, holding it in his hand and looking me in the eye, he said: "My job is to enforce all of the laws in that book. I mean to prosecute any man, whoever he may be, who breaks one of those laws. Any man. No matter what happens. Do you understand me?"

I said that I understood and that I congratulated him. From that moment I knew that at heart Langdon was with us. Ruef soon learned that he was.

Meantime I set to work to get the hundred thousand dollars that I had promised to finance the prosecution of Ruef and Schmitz.

CHAPTER XV

LINING UP FOR THE FIGHT

WHEN I said I thought I could raise a hundred thousand dollars I had in mind James D. Phelan and Rudolph Spreckels.

Phelan, as I have said, was a rich man. He had always been wealthy, had been brought up in an atmosphere of wealth, as his people had money. He had toward the city somewhat the attitude of a rich man toward a great business in which he is interested; his life had always been identified with that of San Francisco, he loved the city, and he wished to see it a clean and beautiful place, efficiently administered. I knew that he was eager to see the grafters cleaned out of the city government, and thought that he would contribute toward that end.

Rudolph Spreckels also had come of a wealthy family, but he had quarreled with his father when he was 17 years old. The quarrel was caused by Rudolph's standing by his brother, Gus, when their father had quarreled with Gus and cast him out. Rudolph said to his father: "Even though this causes a break between us, I am going to stand with Gus. I think Gus is right. Father, I am always going to stand for the right all my life."

His father ordered him out of the house, and he went. From that time on, with scarcely any one to help him, Rudolph made his own way and accumulated a fortune by his own efforts. His father, in his old age, relented, forgave him, and left him a big part of his estate. But Rudolph Spreckels was a big man without his father.

His actual contact with political affairs had been very slight and, such as it was, it had grown out of his efforts to improve the Sutter street car line, some time prior to my trip to Washington.

The Sutter street line was an old, ramshackle cable system, owned by the United Railroads. It not only ran out Sutter street, passing some of Rudolph Spreckels' property there, but it turned up Polk and rounded on to Pacific avenue, where it passed his residence. The line was so dilapidated that the United Railroads was considering changing it into an overhead trolley system.

To this, naturally, Rudolph Spreckels was opposed. He thought that if a change was to be made, the new system should be the most modern that any city had. He had in mind the underground conduit system which was used in Washington, D. C., and in New York City, a system which conserves the beauty of the streets and increases rather than diminishes the property values near by. Nothing short of that admirable system would satisfy Rudolph Spreckels.

In order to force the installation of this system, he formed an organization of property owners and made a very intelligent campaign in favor of the underground conduits. But Patrick Calhoun, president of the United Railroads, considered the improvement too expensive. He said that it was impossible because of the grades. Spreckels met all his objections intelligently, offering himself to pay for any work required on the grades in order to make the system practical. But Calhoun refused to listen, or to have anything to do with the conduit system. He insisted on the overhead trolley, which cost less.

Then Spreckels conceived the idea of organizing a separate streetcar company, obtaining franchises on certain streets without car lines, and building up a system with the underground conduit in use, which would compete with the United Railroads and by superior service and quality force the United Railroads to abandon the hideous cheaper system and install the underground conduit.

This attempt gave Rudolph Spreckels his first practical experience of politics. He organized the company, with his father and, I think, James D. Phelan. Rudolph and his father called on Mayor Schmitz in regard to the proposed franchises. Of course, Schmitz would not listen to any such proposition. He was definitely tied up with the Calhoun interests and the United Railroads, although at this time Calhoun had not yet bribed him to grant the overhead trolley franchise.

Rudolph Spreckels retired from this attempt with a considerably increased knowledge of underground conditions in San Francisco.

I knew this, and I felt that his public spirit had been awakened to such an extent that he would, perhaps, go further and back a big fight against graft in San Francisco. I did not have Calhoun in mind, because at that time I did not know that he had done anything unlawful. However, I felt that Spreckels was a man upon whom I could call for help.

I first visited Phelan and told him what I had done. I informed him that I had seen Heney and Burns and Roosevelt, and I felt that if I could raise a hundred thousand dollars Heney and Burns could be gotten out here to investigate the graft and punish those guilty of it.

Phelan was very much in favor of the attempt, and said he would help to raise the money. Then I called on Rudolph Spreckels and told him how matters stood. He was most enthusiastic. He rose from his chair, walked over to me and said: "Older, I'll go into this! I'll put my money in this and back it to the limit. But I want one understanding—that our investigation must lead to Herrin. Herrin is the man who has corrupted our state. He is the man who has broken down the morals of thousands of our young men, who has corrupted our legislatures and our courts, who has corrupted supervisors of counties, and coroners and sheriffs and judges. He is the worst influence in California. If we go into this fight, we've got to stay in it till we get him."

Later, when the fight was on, it was charged that Spreckels' motive for going into it was his antagonism to the United Railroads, because he had organized a rival company. This was wholly untrue. He had organized a railway company for the reasons I have stated, but it had nothing to do with his going into the graft prosecution, because at that time none of us knew anything that Calhoun had done unlawfully. As a matter of fact, at that time—December, 1905—Calhoun had not yet bribed the supervisors. That occurred later.

Assured of Phelan's and Spreckels' support, I got into communication again with Heney, and in the following February he came out to San Francisco. I had him meet Phelan and Spreckels at luncheon at the University Club, and there we had a preliminary talk. I had nothing definite to offer as an entering wedge beyond the fragments of evidence in the French restaurant case, but we were all confident that if this were followed up it would lead to deeper disclosures, perhaps in the end even to Herrin himself.

Heney said that he had to go on with his government work for the present, but as soon as there was a lull in it he would make the investigations and the prosecutions, if there were any to be made. We parted with this understanding, and three weeks later came the great fire.

San Francisco was destroyed. I was in the midst of the cataclysm, working, as all men did in those feverish days and nights, first to save what I might of the Bulletin, and later to help others who needed help. But my mind was so filled with one idea that even in the midst of fire and smoke and heaps of ruins, I thought of our plans to get Ruef and Schmitz, and mourned the delay I feared the fire had caused. I worked frantically, feeling that this overwhelming disaster must be met and handled, so that we could go on with our hunt of the grafters.

The Bulletin staff was gathered in Oakland, and we managed to get out the paper, printing it in the plant of the Oakland Herald. Many of our files had been destroyed, our papers were scattered; of course, our advertising had been wiped out. We struggled with innumerable difficulties.

As soon as possible we returned to San Francisco and found temporary quarters on the roof of the Merchants' ice house, at the northern end of Sansome street, at the foot of the Telegraph Hill cliffs. Here we built temporary editorial and linotype rooms on the roof. The pressroom was in a shack on the ground below. With these makeshift expedients we resumed publication in the city. All around us San Fracisco was a heap of blackened ruins.

Walking on Fillmore street one day, I met Heney, who had come out on a flying visit. We shook hands and I said: "I'd like to have a talk with you."

"Where can we talk?" he said. I took him into a tent on Fillmore street, and we each got a cracker box, turned it on end and sat down. "How about the graft prosecution?" I said.

"I'm ready to go ahead," he replied, "any time you people are. Let's go down and see Spreckels."

We started to make our way through the mass of wreckage in search of Spreckels.

CHAPTER XVI

GETTING UNDER WAY

RUDOLPH SPRECKELS had rigged up a little temporary office, roughly built of boards, in the ruins of his bank on Sansome street. Heney and I found him there, surrounded by miles of burned brick and tangled steel girders. At once we plunged into discussion of our plans. It had already been agreed that we should borrow Burns from the United States secret service. Spreckels undertook to raise the necessary money to finance the investigations. He had already secured thirty or forty thousand dollars in the fund. Spreckels said:

"Now that we have made terms about Burns, what is your fee to be, Heney?"

Heney said: "Well, I was born in San Francisco and raised here. I have always felt that it was my city. I have a little money, enough so that I am not going to be in need of money very soon, and I am willing to put my time and services against your money. I'll do it for nothing."

"That's very fine of you," Spreckels answered. "But it's more than we should ask."

Heney looked out at the ruins of the city and said: "No, I think I ought to do it, for San Francisco. It's my town."

From that day to this Heney never received one cent for his work in the graft prosecution. Even when he was appointed deputy district attorney in order to operate in the courts, he paid the salary of $250 a month to the man that was displaced in order to allow him to come into the office.

We ended the interview with Heney's promise to bring Burns here and begin definite work as soon as possible. I returned to the office on the roof of the ice plant, a happy man. After five years of hard work on the trail of Ruef and Schmitz I felt that at last the real fight was beginning.

Shortly afterward, Heney and Burns arrived here, ready for business. They established themselves in what was later known as "The Red House" on Franklin street between Post and Geary. Heney took Charles W. Cobb, a brilliant San Jose lawyer, into partnership with him, and also engaged the services of Joseph J. Dwyer. Burns had brought with him a small number of assistant detectives, and later added others to this nucleus of a strong detective force.

The first move had to be the appointment of Heney as deputy district attorney. At that time the giving of such an appointment was in the hands of District Attorney Langdon, who was stumping the state as candidate for governor. After some difficulty, we persuaded him to appoint Heney. He was very fond of Hiram W. Johnson, and would have preferred to appoint him, but he was finally overcome by our arguments and agreed to give us Heney.

Before this had become public I made a move in the direction of getting rid of what I considered a crooked grand jury. I told Judge Graham that I was associated with a group of men who meant business in their fight on the grafters. I went into the matter so forcefully that the Judge finally consented to dismiss the grand jury.

Two days later I got information of a definite case of bribing Ruef. Four prize fight promoters had raised $20,000 and it was given by an emissary to Ruef for prize fight permits. This was the first definite information that we had received. Heney, however, had meanwhile been working on the French restaurant story, and had decided that he could make a case out of it. This was encouraging. But of all the big briberies that we suspected, there was as yet not a shred of evidence.

When Heney's appointment as deputy district attorney became public, however, things began to happen.

I was living in San Rafael at the time. Late one night, after I had gone to bed, I was called to the long distance telephone. Rudolph Spreckels was speaking from San Mateo. He said: "Ruef has removed Langdon and appointed himself."

"What!" I said. This was incredible. However, Spreckels insisted that it was true. At the alarm, the acting mayor, doubtless at Ruef's command, had removed Langdon from his place as district attorney, and put Ruef himself into it. The brazen effrontery of this staggered us. Immediately, however, we perceived the danger in which we stood.

Graham had discharged the old grand jury, and we were insisting upon the drawing of a new one. With Ruef as district attorney, our chance of getting a friendly grand jury was removed from the realm of the possible into that of the fantastic.

I took the first boat for the city in the morning, in a desperate frame of mind. The morning papers carried the story of Ruef's appointment. Crossing the bay on the deck of the ferryboat, I made up my mind that there was only one thing to do.

At 2 o'clock Judge Graham was to decide whether he would recognize Ruef or Langdon as district attorney. By 11 o'clock that morning I had 20,000 extras on the streets stating the facts and calling on all good citizens to rally to the synagogue on the corner of California and Webster streets, where Judge Graham was holding court, and help uphold his hands in giving us justice. Hundreds of newsboys rushed all over the city, giving away these extras.

Long before 2 o'clock thousands of people were congregated around the synagogue. The streets were jammed with them, traffic was at a standstill. Indignation was running high against Ruef and Schmitz.

At that time even our so called "best people" were with us in the fight. On a bit of lawn, outside the windows of Judge Graham's chambers, a large group of influential persons were gathered, silently glaring through the windows, just steadily glaring, without a sound, as though to say, "Don't you dare!" Some of these were the people who later when we touched Calhoun fought us so desperately, but at that time they were with us, and that bit of lawn looked like a first night at the opera.

On the street sides of the synagogue there was pandemonium. The crowds surged this way and that, cheering, hooting and yelling, dangerous, in a mood for anything. Ruef not only controlled the city government, but the sheriff as well, and the sheriff's deputies were there in full force, but they could not control the crowd. They could only center upon certain men, throwing us about, handling me as roughly as they dared.

Heney and Langdon appeared on the steps and were wildly cheered. Ruef came out and was roughly handled by the mob. He bravely held his ground, protecting himself as best he could, never losing his nerve or showing fear for an instant, though he was in danger of his life. He was rescued by the deputies, and the roars of the crowd subsided into mutterings.

Then Graham arrived. He passed through the black mass of people, heard their mutterings and disappeared into the courtrooms.

CHAPTER XVII

THE CARMEN'S STRIKE

THAT day was long known in San Francisco as Black Friday, the day when, in the silence of the courtroom, besieged by the aroused crowds outside, Judge Graham recognized Langdon as district attorney of San Francisco. Whatever the thoughts of any man present in that courtroom, they were overshadowed by the knowledge of the mob outside, waiting to see that Ruef was dethroned, that Langdon was recognized. The days of the Vigilantes, of riots and lynchings, were not so long past that any one could fail to recall them, and the temper of the crowd around the synagogue was unmistakable.

Every one in the courtroom knew the temper of that crowd. Excitement was at fever heat. The Bulletin had two men there through all the proceedings, trained newspaper reporters, and neither of them telephoned a line to the paper. They decided that the situation was too big, too overwhelming, to be reported at all. They must have felt that they were at the center of the universe, that all the people in the world had gathered, that every one knew what was happening.

After Judge Graham recognized Langdon there came the drawing of the grand jury. Old fashioned methods were, of course, employed. The names in the box had been prepared for the drawing, the bits of paper bearing the chosen names being folded together, so that the searching hand of the clerk could feel a thick bunch and draw from that.

Knowing this, I had managed to force my way into the courtroom, in spit of the efforts of a big fat push bailiff, who tried to throw me out. When the drawing of names was about to begin I rushed up to the judge's bench and loudly demanded that the names be emptied out of the box and separated.

This was done. The prepared bunches of papers were broken up and scattered through the others. Then the Oliver grand jury was drawn.

This was a triumph for us, for with Langdon as district attorney, and an honest grand jury, we had in hand all the weapons we needed. All that was necessary was to furnish legal evidence of the crimes that we knew had been committed, and we would be able to go on and punish the men who had committed them.

After I had furnished Heney with the evidence of the bribery of Ruef in the matter of the prizefight permits, there was a long interval of searching and investigation without results. Spreckels was somewhat discouraged. At length, however, the evidence secured by Burns was presented to the Oliver grand jury, and early in the fall of 1906 Schmitz and Ruef were both indicted for extortion in the French restaurant cases.

We all felt these cases to be a side issue. We had already suspected something in regard to the bribery of the supervisors for the overhead trolley franchise, and our principal efforts were spent in trying to get at those facts.

Up to this time there is no question that public opinion was with us. Public opinion was with us until we began to touch the big fellows. We could have gone on, uncovering petty graft, saloon graft, tenderloin graft, convicting and punishing men even to the extent of exposing the police department, and the city, that is, the powerful men of the city, would have been with us. But the moment the big men were in danger their support left us overnight.

Black Friday had alarmed Calhoun. The indictments of Ruef and Schmitz were final danger signals to him. He was a very brilliant man, clever, resourceful, daring, of a temper that stopped at nothing. He knew what we did not know at that time. He knew that he had paid $200,000 to Abraham Ruef through his attorney, Tirey L. Ford, for the purpose of bribing the supervisors to give the United Railroads the overhead trolley franchise. He knew, when Heney was appointed and upheld by Judge Graham, that he stood in danger of being exposed. Sooner or later, the trail we were following would lead to him.

His first move was characteristically clever and unscrupulous. He precipitated the streetcar strike.

Some time previous to Heney opening headquarters here in commencing operations against the grafters, the United Railroads carmen had made a demand for an increase in pay. The United Railroads prevailed upon them to submit their grievances to arbitrators. Probably suspecting that Heney in his investigation might uncover the United Railroads bribery, Calhoun offered to make Francis J. Heney one of the arbitrators. Possibly Heney might have accepted the position. He had it under consideration when Burns came excitedly into his office and told him not to accept it, because he had just learned through an employe of the mint that Calhoun had transmitted $200,000 through the mint in this city to Tirey L. Ford to be used to secure the overhead trolley permit. When Heney declined the position the labor men agreed to accept Chief Justice Beatty of the Supreme Court.

There was a long investigation made of the claims of the carmen for more pay, a lot of testimony was taken and it occupied some time before the matter was adjusted. The men were not satisfied with the terms that the United Railroads was willing to make. Calhoun seized upon the situation to bring on a strike among the carmen. The deal was made in Mayor Schmitz' house, with Bowling, secretary-treasurer of the carmen's union, acting with Calhoun and Schmitz.

Cornelius, the president of the Carmen's Union; Michael Casey, Andrew Furuseth and other labor men were anxious to prevent the carmen from striking, fearing they would lose and hoping that Heney's investigation would lead to the discovery of the bribery of the supervisors by Calhoun.

In this situation, Cornelius stood against the strike and Bowling for it. Our plan was to try to bring about a secret ballot, reasoning that if the men voted secretly they would vote against the strike. Bowling was advocating an open ballot, counting on the men's fear to vote openly against the strike. Bowling won out.

We so nearly succeeded that I still believe that if we had been able to get a secret ballot in the meeting which declared the strike, we would have averted it. But Bowling's influence and strategy were too much for us. He succeeded in putting the question to a viva voce vote.

The question of striking was trembling in the balance. But many men were not brave enough to rise and openly vote "No" against a strike for higher wages. Bowling, working with Calhoun and Schmitz, had so inflamed certain elements in the union that others did not dare openly to stand against them. The men rose, one by one, and voted "Yes."

Immediately the streetcars were tied up. This second calamity, falling upon the disaster of the fire, halting the city's attempt at rebuilding, infuriated the businessmen and property owners of San Francisco. Calhoun knew the city; he knew what would influence the powerful men of the city. He knew that San Francisco was in ruins and that the businessmen above all things wanted the street cars to run, otherwise they would be utterly ruined.

With the entire approval of the businessmen of San Francisco, he imported professional gangs of strike breakers, headed by Farley, and attempted to run the cars. The strikers attacked these strike breakers viciously. Rioting broke out on the streets, men were beaten, crippled, killed. The city was in a turmoil. In the midst of it, in the most picturesque way, Calhoun rode up and down Market street in his machine, winning tremendous admiration from the business people and property owners.

"There's a man who isn't afraid of anything! He's for San Francisco and the rebuilding of San Francisco. He'll break this strike and save us, if any man can," they said on every hand. Calhoun could not have made a better move than to secretly force this strike, and then boldly and openly to break it, by force.

It was the one brilliant move by which he could have endeared himself to the powerful people of San Francisco, who hated labor unions anyway, and particularly at this time, when the hard work of rehabilitation and desperate task of keeping business going depended on the street cars moving.

While the strike was in progress the men were receiving $5 a week each in benefits, and one week the money did not come, $5000 for a thousand men. The international president, McMahon, was away from his home office and had failed to send it. The labor men who had been with me in the fight to prevent the strike came to me and said: "If we don't have $5000 by 1 o'clock today, the strike will be broken. If the men don't get their $5 apiece at 1 o'clock they'll give in and go back to work, and all their efforts and suffering will come to nothing."

CHAPTER XVIII

LEADING UP TO CALHOUN

WHILE I had exerted every effort of which I was capable, in trying to prevent the calling of the streetcar strike, still I did not want to see the strike lost now and the men who had already been led into so much suffering forced to lose their chance of getting something out of it all.

Since it was necessary to have the $5000 by 1 o'clock that afternoon, if these men were to get their strike benefits and be held in line, I determined to do my utmost to provide the five thousand.

I found two friends who were willing to lend me $2500 each. I had the money changed into $5 gold pieces, put it in a sack and sent it out to the headquarters of the Carmen's Union. Bowling, the traitor secretary-treasurer who had planned the strike with Calhoun, was there. The sack was given to him and he was told to distribute the money to the men. He was obliged to do so, but he kept the sack and carried it to Calhoun as evidence that I had saved the men from losing the strike at that time.

Shortly afterward Calhoun, by using a force of strikebreakers, succeeded in crushing the strike he had begun, and the men went back to work, beaten. Calhoun was the hero of the day.

In the meantime, however, we had struck a trail that was leading us hot on his track. We were getting closer to him every day.

While we were in the midst of our investigations, Schmitz suddenly left for Europe. The day after he left it was announced in the newspapers that he had dismissed the president of the Board of Works, Frank Maestretti. The news came as a thunderbolt.

Could it be possible that Ruef and Schmitz had dared to dismiss Frank Maestretti, a man who, we felt convinced, was in on all the city graft, or at least knew of it?

I was very much excited and sent for Maestretti and Golden M. Roy. Roy I knew to be a close friend of Maestretti. They were partners in Pavilion Skating Rink. They came to my office and I talked with them about the removal of Maestretti. They still hoped that he would be reinstated by wire from Schmitz.

I said: "Well, if he is not, perhaps you will be willing to talk with me." After some discussion, they left, saying that they would know about it next day, and asking me to call on them then.

The following day I called on them in their office at Pavilion Rink. I told them that I represented powerful interests in San Francisco who were going to get the facts of the graft, and that I thought they would do well to get in on the ground floor with me. They admitted that they could tell me some very interesting things, but they put me off, saying that they would see me again.

Maestretti followed me out of the office and warned me against Roy, saying that he was a Ruef man and could not be trusted. When I reported this to Burns he very cleverly analyzed it as meaning that Maestretti wanted the whole thing to himself and wanted Roy shut out.

I carried to Rudolph Spreckels the news of the possibilities that I thought lay in Roy and Maestretti, and Spreckels said: "Can you trust them?"

I said: "Well, unfortunately, Rudolph, the crimes that were committed here were not known to respectable people like Bishop Nichols or our leading prelates. If we are going to get anywhere, we've got to get our information from crooks."

Burns had many meetings with Maestretti, and he soon discovered that Roy was the man who knew it all, and that unless we could get Roy we could get nowhere.

"Work on Roy," he said.

In my eagerness to get information from Roy my mind went back to the days before the fire. At that time Roy owned a jewelry store on Kearny street near the Bulletin office. A friend of his called on me and said that Schmitz had offered Roy a position as police commissioner. Having a wife and family whom he dearly loved, Roy did not want to take the place if I were going to attack him.

I said: "Well, tell him to come up and see me."

Roy called and I told him that if they offered him this position, they expected him to take their program, and that if he took their program it would be a crooked program, and therefore it would come under my criticism. It was impossible, in my judgment, that they would appoint him with any other idea than that he would stand in with their graft.

He insisted that he could be honest, even though a Schmitz police commissioner. But I remained unconvinced, and in the end he did not accept the position.

Later, in the Schmitz campaign, Roy organized what he called the "Schmitz Business Men's League," and I published an article that was really gentle, coming from me at that time, in which I reproved Roy for having anything to do with

Schmitz, saying that he was a man of family, that he ought not to risk his reputation by affiliating with such men as Ruef and Schmitz.

I learned that this criticism worried him tremendously, and this gave me an idea. I had a very violent personal attack written on Roy. It was a page article, embellished with pictures. I raked up everything in Roy's activities that could place him in a discreditable light before the community. Then I had a proof page of this article printed secretly in the Bulletin office, and when it was ready I laid it face down on my desk and sent for Roy. Burns was waiting in an adjoining room.

Roy came into my office. He said: "Well, what can I do for you, Mr. Older?" in what I thought was a patronizing tone. I was very much excited.

"You can't do anything for me," I said, "but I'm going to put you in the penitentiary." I picked up the page and handed it to him to read.

He began to read it, turned pale, and reeled on his feet. "Read it all," I said.

"I'm reading it all."

He finished, laid it down and said: "What do you want me to do?"

"I want you to tell the truth."

"All right," he said. "I'm willing to tell you the truth—everything." I pressed a button and Burns came in. I turned Roy over to Burns and left the room.

In a little while Burns called me and said: "Roy wants to see his friends before he talks."

I said: "I don't think we ought to let him see his friends. It's a friend, it isn't friends. It's Ruef he wants to see." Roy sat there without saying a word.

"No," Burns said, "I think it best to let him see his friends."

I said nothing more, and after a moment Roy got up and walked out. He was shadowed, of course. He went directly to his home, where his wife and children were, and stayed there, sending no messages and telephoning nobody till midnight. Then he telephoned Burns and asked to see him. When they met he told Burns much that he knew about the Ruef briberies, and this interview led directly to the confessions of the eighteen supervisors who had taken money in the overhead trolley franchise deal. We had reached Calhoun at last.

CHAPTER XIX

CALHOUN IS THE HERO OF THE CITY

ALL this time the street car strike was going on, with almost daily violence and bloodshed, and Calhoun was riding up and down Market street, to the admiration of all who saw him. His ruthlessness in dealing with the strikers and his terrific efforts to quell the storm he had raised were having exactly the effect he had desired when he plotted to cause the strike. He was daily becoming more of a hero to the big men of San Francisco who controlled public opinion.

Meantime it became known to Ruef that Roy had come over to our side, and in order to frighten him into silence Ruef had introduced into the Board of Supervisors an ordinance making it illegal for any girl under eighteen years of age to visit a skating rink without her mother. If this became a law, Roy and Maestretti's business, Dreamland Rink, was doomed.

Roy, far from being intimidated, responded to this threat with a brilliant idea. He suggested to us that by means of this proposed ordinance we could trap the supervisors. His plan was to bribe them to kill the ordinance, have them caught taking the money, and terrorize them into confessing the overhead trolley briberies.

We rehearsed for the plan in Roy's office at Pavilion Rink. There was another room next to his office, in which we planned to hide and watch the bribery. Burns borrowed a gimlet from a nearby grocery store, and we bored three holes through the door, so that three people could look into Roy's office. When this was done, Burns and I stood on the other side of the door and looked through the holes, while Roy rehearsed the coming scene.

Roy sat at his table with imaginary bills in his hand, and the chairs placed in such a position that we could see him. Then, leaning toward the empty chair in which the unsuspecting supervisor was to be placed, Roy began, pretending that Supervisor Tom Lonergan was present.

"Tom, I want that skating rink bill killed. If it goes through—"

We would interrupt. "A little louder, Roy—" "Move over to the right. Now go ahead."

"Tom, I want that skating rink bill killed. I'm willing to pay $500 for it, and here's the money. The bill's coming up tonight, and I want you to go against it."

The rehearsal was perfect. It was beyond my imagination to conceive of anything like that being fulfilled, and I said to Roy, "It's too much of a melodrama for me. I can't believe it's possible that anything like this will ever happen." Roy replied, "Don't worry. It will happen exactly as we have planned it."

And it did.

Two days later Supervisor Tom Lonergan came into the office, while Burns and two other witnesses stood behind the door. He took the chair that had been placed in position, listened to Roy's talk pitched in a key that the witnesses could overhear, took the money and pocketed it. After him came two others, one at a time, I have forgotten which two they were. We were elated and were arranging to trap the others speedily, when the Chronicle got a tip that something was happening, and ran a story which scared them all.

So we worked on the three, and finding that we had the goods on them, they confessed to everything, including the overhead trolley deal. And their confessions involved the others, and the others got scared and got in line. The whole eighteen made their confessions as quickly as they possibly could, one after the other hurrying into safety, with the promise given them by Heney and Burns and Langdon that they would not be prosecuted if they testified.

We had in our hands all the evidence that I had been combing the town for, during many years.

Burns later got the whole credit for obtaining these confessions, but the trap which caught them was entirely Roy's idea, planned by Roy and carried through by Roy.

While these confessions were being taken down, Ruef had hidden himself away in a roadhouse at Trocadero. He was out on bail, under indictment in the French restaurant case. Burns was searching for him.

He finally found him, brought him back into custody, and put him in the Little St. Francis Hotel, a temporary structure put up after the fire in Union Square. Here Ruef learned for the first time of the supervisors' confessions, and Burns believed that he could be induced to make one himself. But Burns said that Heney was so exalted over his success with the supervisors that he would not listen to any confession from Ruef.

"Let the blankety-blank go over the bay! We won't allow him to confess and have immunity. We've given the eighteen supervisors immunity, and we'll make him sweat!"

Burns shook his head, and said to me, "That's the way it always is when you haven't got complete control. You see, they don't know now that in less than two weeks they'll be pleading with me to get Ruef to do the very thing I could easily get him to do now, and that he won't think of doing when he gets his second wind and has a chance to connect up with his powerful friends. They'll order me to get his confession, in two weeks, remember. And it'll be hard to do."

Sure enough, in less than two weeks Burns was hard at work trying to get a confession from Ruef.

By connecting up with Rabbi Kaplan and Rabbi Nieto, he managed to secure a confession from Ruef on the overhead trolley bribery, on some understanding with Ruef that he was not to be prosecuted at all, not even in the French restaurant case, which was then pending. Burns told me little, almost nothing, about the details of his arrangement with Ruef. It was not until much later that I learned the facts. At that time I knew only that Burns was well along toward pulling Ruef through.

One day Burns came to me and asked me to go with him to Judge Lawlor and try to convince Lawlor that if Ruef was a good witness in all the big bribery cases he should be allowed to go free in the French restaurant case.

We found Lawlor in his room at the Family Club. Burns presented the case to him. Lawlor flatly refused to have anything to do with any such program. He said that the city would not stand for Ruef's not going to the penitentiary, that Ruef must be put in stripes. Anything less than that would mean the failure of the graft prosecution.

"We've already given immunity to eighteen supervisors," said Lawlor. "Now to give full immunity to Ruef would mean our ruin. This must be done: Let him be a witness in all the big bribery cases. Let the French restaurant case be pending the while, and then when he has made a good witness, let him come into court and plead guilty on the French restaurant case, let the district attorney state to the judge that Ruef has been a good witness for the state and ask leniency for him, and then the judge will let him off with a year.

"But one year at least he must serve in the penitentiary, to save our reputations."

I agreed with Lawlor, and Burns went away much disappointed. Later, there came the well known midnight meeting between the rabbis and Heney, and the obtaining of such concessions as the judges would make, sufficient, apparently, to satisfy Ruef.

Ruef then appeared before the grand jury, and gave the evidence necessary for the indictments of himself, Schmitz, John Martin, De Sabla, Frank Drum, and Patrick Calhoun, and some others, on the big bribery charges. That day the foreman of the grand jury telephoned Cornelius, president of the carmen's union, and asked him to be very careful to prevent any disorder of the strikers. We knew from this that the grand jury was about to indict Calhoun.

After he was indicted, however, he crushed the strike. The men went back to work, the streetcars were running again, and Calhoun had become a great, public-spirited figure in men's eyes. He loomed as the savior of the city, once ruined by fire and threatened again by labor-unionism. His indictment made no dent at all upon his popularity. The prominent men of San Francisco stood before him and said: "Let's see you convict him!"

"But don't you want him convicted if he is guilty?"

"NO!" one of them said. "If I were on the jury I'd vote to acquit him if he were guilty as hell! He's the man that saved San Francisco!"

CHAPTER XX

"KEEP AWAY FROM THE BEACH"

WHEN the streetcar strike had successfully been engineered and broken, Bowling, the secretary-treasurer of the Carmen's Union, was placed on the payroll of the United Railroads. However, after Calhoun had been indicted, Bowling became dissatisfied with the amount of money he was getting. He must have felt that he had been unfairly treated by Calhoun, or, perhaps, he endeavored to get more than Calhoun was willing to pay. At any rate, he finally came to Burns and offered, for $10,000, to give us the evidence that Calhoun, Schmitz and he had planned and caused the streetcar strike.

Burns, being employed by the District Attorney, was not in a position to negotiate with him directly, and sent him to me. He sketched roughly this story of the making and breaking of the carmen's strike, and offered to put himself on record, to make an affidavit to it, for $10,000. Burns got him to finally agree to $6000. I consented to this, and arranged to meet him the following day.

Next day I met Mr. Bowling in an office in the Spreckels Building, with a stenographer. I had arranged for the $6000. Bowling had with him a man who had participated with him in the deal with Calhoun. The stenographer was ready, waiting. I said, "Go ahead. Everything is arranged. Tell your story."

He said, "Well, we met at Calhoun's house."

I said, "Go on. Who was present? Calhoun? Schmitz?"

There was a long silence. He turned white. Finally he stammered that he couldn't go on.

"Why? Don't you want the money?"

"Yes," he said. Then he said, desperately, "But they—they'll kill me!" He meant the carmen he had betrayed.

I said, "All right. Good day." Bowling left the room.

Burns bitterly reproached me for this action later. He said I should have coaxed him along, given him a little money, played him from day to day until he was ready to talk. But I was not experienced in such matters.

Next morning there appeared in one of the morning papers a story, backed by an affidavit by Bowling, charging me with attempting to bribe him with a sum of money to tell a lie against Calhoun. Then he proceeded to tell the story of the sack of money I had taken to union headquarters to support the strike. Thereupon the whole powerful part of the town became violently prejudiced against me because I helped to uphold the strike, and because I was attacking Calhoun, who in their opinion had crushed the strike and saved San Francisco from ruin.

I had in fact first attempted to prevent the strike that Calhoun had ordered, and then I had helped to hold the men steady by paying their benefit money, which was afterward repaid to me, in the hope that if they held together they could save something from the ruin in which Calhoun had involved them.

But in the eyes of the powerful people of the city I was branded as a dangerous agitator, plotting against the city's peace, while Calhoun was surrounded by a halo. I had no recourse except to continue as best I could to help in uncovering the truth in the courts.

Tirey L. Ford had been indicted with Calhoun. He was chief counsel for the United Railroads and was the man who had passed the $200,000 from Calhoun to Ruef for bribing the supervisors. He was placed on the calendar for trial before Calhoun, in the hope that if he were convicted he might come through with some confession involving Calhoun, in return for some leniency in his sentence.

While these cases were pending, and San Francisco people in general were absorbed with their own personal affairs, the city became filled with armed detectives, employed either by Burns or by Calhoun. To one who knew the inside facts, the very air of the streets became tense. Every few feet one met a man who was working for one side or the other, and many men of prominence were constantly shadowed by both sides, and even the men who were following them were also followed and watched.

Shortly after Calhoun's indictment he sent a mutual friend to see me to ask me to name my price to quit the fight. I replied, "Tell Mr. Calhoun that I have no price, that nothing will stop me until he has been convicted and sent to the penitentiary."

In my relentless pursuit of him I stopped at nothing. I learned of a suit that a maiden sister had brought against him for having fleeced her out of $60,000. Calhoun had settled the case quickly when he found that Heney was working out here, but there was a court record in Atlanta, Georgia, and I went back to Atlanta personally to get it.

On this trip I spent my own money, $700, saved out of my salary. I had a transcript made of the case and certified to by the county clerk in Atlanta, and when the county clerk handed it to me and I paid his fee, he said:

"I don't know what you are going to do with this, but I imagine that you are going to take it to San Francisco to use against Patrick Calhoun. Let me tell you something. He's a desperate man. He's a man who would not hesitate to blow up a whole theater full of people to get just one man that he hated."

From the time I returned to San Francisco I was never without a shadow. I never left my office that one or two men did not follow me to my hotel, which was the Fairmont. All sorts of traps were set to catch me. Women would call me upon the telephone and tell me that if I would come to such and such a room, in such and such an apartment house, I could get some very valuable information.

I avoided all these traps. The stress was very great and I was living under great excitement and worry. In the midst of this Mrs. Older and I were ostracised by many who had formerly been our friends.

After the indictment of Calhoun—who was a descendant of Patrick Henry, a Southern gentleman with a great deal of social prestige in the East, and necessarily here as well, pampered in our best clubs, entertained by our "best people," a man, moreover, who had "saved" San Francisco's business interests when they were endangered by the car strike—local sentiment toward the graft prosecution changed overnight.

People who had known me quite intimately stopped speaking to me. Labor fell away from us because Eugene E. Schmitz was labor's mayor and they did not like to see him discredited by a group of men whom they considered to be hostile to labor. The wealthy people fell away from us because we were attacking one of their own class, Calhoun. So we were left between the two.

Up to this time I had been a fairly popular member of the Bohemian Club and used to greatly enjoy going there; but after we touched Calhoun there was hardly any one in the club who would speak to me. The ostracism became so acute that I finally resigned.

Mrs. Older and I had known and liked quite a few members of what is known as "society" in San Francisco, and they, of course, dropped us. One of the women called on Mrs. Older and told her that many of her friends liked her very much and would like to continue their friendship, but that they could not stand for the attitude of her husband.

Mrs. Older replied that she did not care for their friendship in that case; that she was perfectly willing to be ostracised with me; that she believed me to be right, and that was the only thing to be considered.

In the stress and strain of those days Mrs. Older and I tried to escape from it all every evening by going to the beach, where we had a tiny car-house attached to a restaurant managed by Mrs. Gunn. It was our one pleasure, just about sunset, to go for a swim in the ocean, return to our car-house and then dine with Mrs. Gunn.

One evening, as I came from the office and crossed the sidewalk to the machine where Mrs. Older was waiting, a very good friend of mine, who had deep connections in the underworld, passed by me, and said warningly: "Keep away from the beach."

He did not stop to be questioned, but went quickly past me, as though he had not spoken to me.

The following letter has been received from Mr. John S. Irby, surveyor of customs, in the federal service here:

Mr. Fremont Older, Editor The Call—Dear Mr. Older: If your "My Own Story," which I am reading with avid interest as the most informing narration of my experience, is to be published in book form, may I not invite your attention to an error. You stated that Patrick Calhoun is related to Patrick Henry, the orator and patriot of our revolution, one of the early governors of Virginia. I am sure it was a lapsus calami.

While a man is not responsible for his relatives, only his friends, as a Virginian I am loath to allow Patrick Henry's memory to be thus impugned. Patrick Calhoun is related to John C. Calhoun, the South Carolina senator who died in 1850, known as "the great nullifier" because of his advocacy of the nullification act.

John C. Calhoun's father was named Patrick Calhoun. Thus the man who figures so prominently in your histories is named for the father of the South Carolina Senator. Very truly yours.

JOHN S. IRBY.

San Francisco, Nov. 8, 1918.

Patrick Calhoun often made the statement that he was related to Patrick Henry, and I based the statement in my story on Calhoun's assertion.

FREMONT OLDER.

CHAPTER XXI

CALHOUN GROWS DESPERATE

THIS warning, "Keep away from the beach," I knew to be important. The man who had given it to me was my friend, and a man who was not given to false alarms.

But I was very angry at the thought of giving up my one pleasure, that daily swim in the surf with Mrs. Older and our quiet little dinner later in Mrs. Gunn's small restaurant. I determined that I would continue to have it.

So I secure two plain clothes men from the police department and went to the beach as usual, leaving the two officers sitting in the machine on the beach, watching. Nothing happened. Still I knew that the warning was not without significance, and so each day I took the plain clothes men with me, and never while we were at the beach allowed them to get out of sight.

Later I learned that Calhoun's men had employed a half-breed Mexican gunfighter to come from Arizona to San Francisco to "get" me. The day before my friend warned me, this Mexican was standing opposite the Bulletin office in front of the Phelan building, which was then in course of construction, when another well known gun fighter, who knew him very well, came along. He asked: "What are you doing here?"

The Mexican answered: "I'm waiting to see Older when he comes down."

"What's the idea?"

"Well, I am supposed to get him. They want me to go up into the Phelan building and shoot him through his window in the Bulletin office. They told me the noise of the steam riveters would sound so much like a rifle shot that it wouldn't be distinguished, but I'm leary of that. If it didn't, I wouldn't have any chance to get away. So I'm going out to get him at the beach, where he dines every night with his wife."

"What are you staying here for, then?"

"Well, I don't know him. I am waiting here till he comes down. There's a man over there who will lift his hat when Older comes through the door, and that will give me the signal who he is."

The man to whom the Mexican confided was a friend of the man who warned me. I had done favors for both of them and they didn't want any harm to come to me. So the warning was given me, and that plan was thwarted by the two plain clothes men who guarded us whenever we were at the beach.

It was some years later that I heard from Peter Claudianos, now doing life in San Quentin for dynamiting the house of one of our star witnesses, Gallagher, of another plan which was spoiled by the plain clothes men. He told me that when plans were made for dynamiting Gallagher they thought they might as well dynamite me at the same time. So Felix Padauveris, who was in charge of the job, rented the cottage just below mine at the beach, and stored in the basement of it fifteen pounds of dynamite.

He and Claudianos visited the beach, breakfasted in Mrs. Gunn's restaurant, looked the situation over, and made all their plans for placing the dynamite. But the presence of the two plain clothes men frightened them and they abandoned the idea.

These things seem so melodramatic that it is almost incredible that they could have occurred in a peaceful city, whose people, most of them, were going about their ordinary routine affairs, and who, when they read of the graft prosecution, saw only the surface facts that were printed and were probably bored by them long before the fight ended. But the plots and counter plots of that time were innumerable.

Calhoun's detectives filled the city. Calhoun was desperate. He saw the penitentiary doors opening before him, in spite of his utmost efforts, and he stopped at nothing to save himself or to get revenge upon his implacable enemies.

After Roy had become friendly with me we all felt very grateful to him and used to dine or lunch in his restaurant as often as we could. The restaurant was on Van Ness avenue near Sutter street, Van Ness avenue being at that time the center of the city, since downtown San Francisco was not yet rebuilt.

One morning about 11 o'clock I dropped into Roy's restaurant for breakfast. I always wanted to have a chat with him, and, not seeing him, I asked the waiter where he was. The waiter said: "He's over there in the corner. Don't you see him?"

Roy was sitting with his back to me, talking to a strange man. After a moment he rose, and, coming over to me, handed me an envelope, with an affable smile, saying: "Look at this. Pretend. As soon as that man goes out I have something to tell you."

He went back. When the man went out Roy came over and told me that he was Luther Brown, whom Calhoun had brought from Los Angeles to head his force of detectives.

He had come to Roy and said: "Roy, we want you with us, and we want you to name your price."

Roy asked: "What do you want me to do?"

"We want you to be with us."

"Well, in that case I want to see Calhoun. I want to talk to him."

"All right. I'll see him tomorrow and make the appointment."

Roy reported this to Burns, as well as to me, and Burns suggested that he keep the appointment, which he did. He called at Calhoun's house and found Calhoun out in his garden, picking roses. He met Roy very cordially and asked him into the house, where he took him into a room and closed the doors.

Roy said: "Well, what is it?"

"Roy, I want you to ship with me for the whole trip."

"Well, what do you want me to do?"

"I want you to name your price for testifying that Spreckels is to pay Older $15,000 and Heney $15,000 the day that I am convicted; that Spreckels also offered you $15,000, and $10,000 each to Gallagher and one or two of the other supervisors for testifying that I had bribed them.

Roy said: "What about my friends?"

Calhoun replied: "I'll take care of your friends. You mean Dr. Poheim and Frank Maestretti. I'll take care of Poheim, and Maestretti is all right because Herrin is handling him. At any rate, I want to see you tomorrow. If you will take a certain boat, go to Oakland, you will find an automobile waiting at a certain place. Get in that automobile, and you will be driven out to where I am. I am going to handle this thing, Roy. I don't want any more Fords handling my affairs. From now on I'm going to handle this myself."

CHAPTER XXII

PLOTTING WITH ROY

ROY was by this time sincerely devoted to the graft prosecution and in entire sympathy with our purposes. If coercion had been necessary at first to bring him into line—and I do not know that it was necessary; I only know that I used it—persuasion of that kind was no longer necessary to keep him with us.

He reported to us his conversation with Calhoun, and with Burns' advice he followed the instructions that had been given him.

Next morning, with Dr. Poheim, he took the ferry Calhoun had suggested, found an automobile waiting for them in Oakland, and got into it.

The machine took them to Luther Brown's father in law's house, near San Leandro. In the yard were Calhoun, with several of his attorneys, Luther Brown and some of Brown's detectives.

Roy said, "Well, Calhoun, I am not going to allow any Tirey L. Ford to handle my affairs either. I'm not going to talk before all these people."

Calhoun said, "Come upstairs and we will talk alone. He took Roy into an upstairs bedroom, and they sat down on the edge of the bed. Calhoun said, quietly, "Roy, what do you want?"

"Well," Roy said. "I've got to be made whole on my investments in San Francisco. I'm connected with some pretty big people, and if I throw them down San Francisco will be no place for me. I'll have to leave town."

"All right. What are your investments?"

"Well, there's my restaurant."

"What does that stand you?"

"Thirty-two thousand," said Roy.

"I'll take care of that," said Calhoun. "What else have you got?"

"A skating rink."

"What does that amount to?"

"Twenty thousand."

"I'll take care of that. Anything else?"

Ray enumerated various interests that had to be covered. In all, they amounted to $80,000. Calhoun agreed to pay him that amount. In return Roy was to go on the stand and testify that Rudolph Spreckels had promised to pay me $15,000. Heney $15,000 and Gallagher $10,000 on the day that Calhoun was convicted. Calhoun's purpose was to make it appear that he was being persecuted by Spreckels because they were financial rivals.

"Well," said Calhoun, "we've got to arrange this thing in some way so that it won't be subornation of perjury. But that can be arranged. That's only a matter of detail. Now as to Poheim."

It was agreed that Poheim was to have $25,000.

All this Roy immediately reported to us. But a few days later he met Calhoun, and Calhoun said, "There's a little hitch in this plan of mine. I told it to John Garber, and he told me we were all heading for the penitentiary on this stuff. It rattled me a little, what he said. Still, I'm convinced that I'm right, and I'm going ahead with it. But I want a little time to think it over."

John Garber was a very famous lawyer here. His advice undoubtedly disturbed Calhoun. Later, Roy learned that he had acquainted others of his attorneys with the negotiations thus far, and they had told him it was undoubtedly a Burns trap, so the matter hung fire for some time before Calhoun reopened it.

Meanwhile, we were hammering at Ruef and Schmitz in the courts. The Bulletin was printing all that it dared to print of the truth, and San Francisco was divided into two violently opposing camps, one believing that we were pure white crusaders, endeavoring to rid the city of evil men, and the other declaring that we were henchmen of Spreckels, persecuting the man who had saved the city from ruin at the hands of the unions.

We had brought Schmitz back from Europe, arrested him and tried him, while he was still Mayor of San Francisco. He stood in the dock as Mayor of San Francisco, and he went out from the dock to the Mayor's office and conducted the affairs of the city as a suspected criminal. He was proved guilty of bribery in the French restaurant cases and sentenced to San Quentin for five years. After his conviction he was taken to the Ingleside jail, and proceedings were brought to remove him from the Mayor's chair.

The city was then without a Mayor. It fell to us to choose one, because the man to fill the empty place was to be chosen by the Board of Supervisors, and we held eighteen of them in the hollow of our hands on account of their confessions.

The matter hung fire for some time while we tried to decide who should be Mayor of San Francisco. Spreckels, Heney, Langdon and I were busy trying to find a suitable man, one that would satisfy the city and be sympathetic with our fight against the grafters.

The first name suggested was that of Dr. Gallwey, a very popular physician here. Some one went down to Santa Barbara, where he was staying, to ask him if he would be Mayor. He refused.

Other names were mentioned, but we could not all agree upon one. E. J. Livernash was at that time working with me. He was a writer on the Bulletin, and I had him as my adviser in all my activities in the graft prosecution. One day he said to me that Phelan ought to be appointed. I agreed. Livernash said: "Of course, labor has been against him, but that can be arranged. I think we can induce labor to accept him."

With this idea in mind, we drove out to Phelan's residence, where Rudolph Spreckels was dining. Just as we stopped in front of the house, Phelan and Spreckels came out together and walked toward our automobile. Livernash said: "We have decided that Phelan is the man for Mayor."

Spreckels said instantly: "I won't stand for him." That angered us both. I said: "Why not?"

Spreckels replied: "Because he is too close to me." He meant, of course, that Phelan was so closely associated with him that his appointment would make it appear that Spreckels was choosing the Mayor.

Livernash became very angry and said: "Well, then, I'm done with the whole thing. I'll have nothing more to do with it!"

We drove away in a huff. We were both so angry that it appeared that there was a split between the few men in whose hands the selection of a Mayor lay. But San Francisco was without a Mayor, and something had to be done.

CHAPTER XXIII

MAKING TAYLOR MAYOR

ON THE following morning Livernash and I met as usual. A night's sleep had cooled us both. Livernash said it was a pity to quarrel with Spreckels at such a critical time. I agreed with him and hastened away to find Spreckels. I met him at Heney's office and assured him that we would continue to co-operate with him and try to find a suitable man for Mayor. All along Livernash had been strong for Michael Casey, president of the Teamsters' Union. At that time Casey was a big figure with the labor men. He and Andrew Furuseth had fought Bowling's crowd in the Carmen's Union, trying to defeat Calhoun's movement to bring on a strike. They knew that Calhoun had his strike-breakers here ready to break the strike, so that Calhoun might gain the applause of the powerful people of the city. But Spreckels would not stand for Casey. He did not share the confidence that Furuseth, Livernash and I had in him. And we were compelled to abandon him.

After leaving Spreckels I returned to Livernash's office and together we searched our minds for the name of a man that the people would accept. I remembered the old Board of Freeholders that had framed the Phelan charter, and it occurred to me that perhaps some of those names would do. I asked Livernash if he had a copy of the charter which contained the names of the Board of Freeholders, most of whom we had forgotten.

He said he didn't know. He had moved to temporary quarters after the fire, his books were disturbed, and if he had one he didn't know where it was. He went over to a corner of his office, where a lot of pamphlets and odds and ends of papers had been dumped, and pawed them over. He finally found a ragged copy of the charter, knocked the dust from it against a corner of his desk and handed it to me.

I looked over the names of the freeholders, and when I came to E. R. Taylor I said: "Dr. Taylor is the man."

"Wonderful," said Livernash. "But he's dead."

I said: "No! Is he? He can't be! I saw him in a Sutter street car not over a month ago."

"Then," said Livernash, "he's the man, by all means."

We both reasoned that Dr. Taylor was eminently respectable. He was a lawyer and a physician and a poet, and, so far as we knew, he had never done anything that could be held against him by any one. He was just the man for the situation. I went hurriedly up to the Red House. Spreckels was there.

I said: "Dr. Taylor is the man."

"Just the man!" he said.

He called Langdon on the telephone within a minute and said: "Dr. Taylor."

Langdon said: "Just the man!" Every one agreed.

That night the puppet Board of Supervisors met and Dr. Taylor was made mayor of San Francisco. He was an admirable mayor for our purposes, eminently just and inoffensive to every one. The city seemed fairly well pleased with the selection. He took office immediately.

Meanwhile we continued our fight against the grafters. We had the confessions of the eighteen supervisors, and of Ruef. We had promised the supervisors immunity, because we knew that behind them were Ruef and Schmitz and Ford. We had promised to let Ruef off with one year's sentence, because we knew that behind him were men still higher up, Calhoun and others, more influential and thus infinitely more dangerous. These were the men we wanted to get.

But while we were engaged in tracking down Calhoun, Calhoun and his hired force of detectives were not idle.

One day a man called at my office and told me that he had been in the employ of the Pinkertons, but had been dismissed. The reason he gave was that a number of Pinkerton detectives had organized, demanded more money, and struck. The local manager, in retaliation, had reported these men to the Eastern headquarters as having falsified their reports, and the men were dismissed.

My informant said that he had then gone to work as a Pullman conductor on the Southern Pacific. Knowing that Pinkertons were doing work for the Southern Pacific, he had put in a knock against them with the superintendent in San Francisco, and this had resulted in his being discharged by the railroad company.

"Those —— Pinkertons have got me fired twice," he said bitterly. "Now, Mr. Older, I don't want any money for the service that I can render you. I just want to get evened up with the Pinkertons.

"There is a prominent labor leader, affiliated with the Water Front Federation of Labor, who is a Pinkerton spy, employed by Pinkerton to betray labor. He makes it a business to keep watch on the docks, and whenever he hears any one advocating higher wages or shorter hours, or in any way objecting to the present condition of affairs, he reports that man to the Pinkerton agency, which reports him to his employers.

"Now, I can get the originals of those reports, and I'll be glad to do it for you. I want to show those Pinkertons that they can't ruin a man like me without any comeback."

His statement was so startling that I wanted time to think it over. If it were true, and he could obtain those reports for me, it would be one of the biggest labor stories that had ever been published in San Francisco. All my newspaper instincts were aroused. I asked the man to call again next day at 12 o'clock.

CHAPTER XXIV

PLOT AND COUNTERPLOT

THE next day the Pinkerton man called, bringing another man with him. I had also asked a man, a friend of mine, to be present during the interview.

The detective introduced the man he brought as "Mr. So-and-So, who is still employed by Pinkerton. But he is as sore at them as I am." He said: "This man can get those reports for you."

They both went over the statement he had made to me the day before. A prominent labor leader was betraying his followers to the Pinkertons, his reports were obtainable, and these men could get them for me, and would.

I said: "How?"

He replied: "By opening the safe after office hours and taking them."

I said: "Do you know the combination of the safe? Are you sure you can get them?" I knew this would be a tremendous story for the Bulletin.

The two men explained how they would get the reports, the original reports, signed by this man who was betraying labor. But while they talked the friend that I had asked into the room looked at me, caught my eye, and I saw in his face that he suspected a trap. I got the two men out of my office as best I could, saying as little as possible.

After they had gone, I sent for Detective Burns and told him what had happened. He said: "My God, you had a narrow escape. Were you thinking of taking those documents and printing them?"

I said: "I had in mind that he had a big newspaper story in his possession, and I hadn't stopped to consider any further than that."

He said: "Well, this is what would have happened if you had gone on with it. The safe in the Pinkerton office would have been blown. You wouldn't have known that until after you had printed the documents.

"Then you would have been arrested for burglary. The two men who called on you would testify that you had employed them to burglarize the safe in the Pinkerton office. They would testify that they had only carried out your orders. They would have turned state's evidence on you, and you would have gone to San Quentin."

It was the narrowest escape from the penitentiary that I ever had.

Ruef had been tried, the jury had disagreed, and we were holding him for his second trial. Calhoun's turn was approaching. Again Calhoun sent for Roy.

Luther Brown came to see him, and took him to Calhoun. Calhoun said: "Now, Roy, I want you with me in this trial. I can make you a rich man without leaving this chair. I can manipulate common stock of the United Railroads so that you can make $150,000 easily. I will fix up Poheim, too. Now I want an affidavit from you, testifying to the bribery of Older, Burns and Heney by Spreckels."

Roy pretended to agree, and as he was going out of the room Luther Brown handed him $3000, carelessly, as a sort of token of good will. Roy brought this money to Burns, and Burns told him to go on with the negotiations.

A few days later Brown sent for Roy. When Roy entered Brown had just finished an affidavit on the typewriter. This affidavit implicated Burns, Heney, Gallagher and myself as having been bribed by Spreckels.

To gain time, Roy said: "This is an affidavit, a pretty serious thing. I'm liable to be caught up for perjury in an affidavit. Make it in the form of a statement. Give me a copy of it and let me think it over."

Brown gave him the copy, and Roy brought it right down to me. I made a copy of it instantly and put it in Phelan's safe. It is still there. I did this to protect myself.

Roy went back, under instructions from Burns, and put over a very clever move. He said: "Now this is not to be used unless I give my consent. Is that right?"

Brown replied: "Yes, I'll agree to that."

"Very well, then, just write that down on the bottom there and sign it," said Roy, and Brown wrote it in his own handwriting and signed his name to it. Roy carried this away with him and we put it in Heney's safe.

A little later Brown said to Roy: "Some one has peached on us."

Roy said: "I don't think so. What do you mean?"

"'Well,' said Calhoun to me: 'Some one is leaking in your camp.' I asked him what he meant. He said: 'Well, now here's something. You haven't told anybody that you signed your name to a statement of Roy's, have you?' I told him no. He said: 'Well, you did, didn't you?' I said yes. Calhoun came back at me: 'Well, you see, I know it. How do I know it if somebody hasn't leaked?'"

"That stumped me," said Brown. "Somebody is leaking. Who do you suppose it is?"

Roy said: "I can't imagine."

Brown was furious, because this leak had destroyed the whole scheme. He had arranged to get $150,000 from Calhoun for Roy and $50,000 for Poheim. Brown was to have half of these sums, or $100,000 for himself, out of the deal. He had counted on making a cleanup. Now this leak had wrecked the whole thing.

Roy came to Burns and me about this. Burns immediately said: "Didn't you show that affidavit to your lawyer?" Roy said that he had. "Well," Burns said, "he's the one that told Calhoun."

According to Roy, Brown blamed his failure to one of Calhoun's attorneys. "He's got a nerve," Roy quoted Brown as saying, "to queer my game, when he came near putting ropes around all our necks." Roy assumed that Brown was referring to the dynamiting of Gallagher's house.

This will give an idea of the web of plot and counterplot in which we were struggling. In spite of our effort to keep the one issue clear before the people, they were confused by the multitude of persons involved, the innumerable conflicting stories set afloat.

The prominent people of San Francisco had deserted us when we attacked their savior, Calhoun. Now, through the long delays of the courts, and the confusion, a general weariness was beginning to spread through the city. People were tired of hearing about the graft prosecution. We encountered apathy on one hand and on the other the relentless determination of powerful men who were fighting for their lives.

The United Railroads people had tried innumerable plans to get me out of their way. By this time they had become desperate. We were trying Ford, and Calhoun's turn was approaching. At this juncture, inadvertently, I turned Luther Brown's hatred of me into a murderous rage.

The United Railroads were making an attempt to involve Supervisor Tom Lonergan with a woman, in order to break him down as a witness in the Ford trial. In uncovering the story, one of the Bulletin reporters in writing it made the mistake of using Luther Brown's name instead of that of another Brown, who was also a detective in the employ of Calhoun. The following day I corrected the error and forgot the incident.

A few days later I was waiting for Rudolph Spreckels in Heney's office. I was talking with Charley Cobb, Heney's partner, when the telephone rang. I lifted the receiver. A voice said: "Is Mr. Older there?"

"I am Mr. Older."

"I am Mr. Stapleton, Mr. Older. If you'll come to the

Savoy Hotel on Van Ness avenue I will give you some very important information."

I asked him if he could not come to Heney's office. He said it was impossible. He was being watched, and it would not be safe.

I said: "Very well. I'll come to the Savoy Hotel."

The voice insisted that I come immediately, and I agreed.

Before leaving the office I turned to Charley Cobb and said: "This may be a trap. If I am not back in half an hour, you may be sure that it is. Tell this to Spreckels."

Then I went out and started toward Van Ness avenue.

CHAPTER XXV

IN CALHOUN'S CLUTCHES

I WALKED direct down to Van Ness avenue from Franklin, and turned down Van Ness.

As I turned I noticed an automobile with four men in it that looked to me like pretty tough characters. They were all looking at me, and the machine seemed to be hovering along close to the sidewalk as I walked. Suddenly it stopped and two men jumped out.

One of them stepped up to me. He was very pale and nervous; his hands trembled as he pulled out of his pocket a paper which he said was a warrant for my arrest on a charge of criminal libel. He said the warrant was issued in Los Angeles. He then showed me a constable's star and told me to get into the machine and go with him.

I told him that I wanted to see my lawyer and arrange bail.

He said: "We will go to Judge Cook's chambers. Judge Cook has vised this warrant, and you can get out an order for bail through him."

I said: "Very well, I'll go." But I was very apprehensive.

As I stepped into the machine one of the men that was on the sidewalk rubbed his hands over my hips, obviously to see whether I was carrying firearms. This made me still more suspicious.

I sat in the machine on the right hand side of the tonneau. Next to me was a young man who had not got out of the car when it stopped. Next to him on the left sat one of the men who had got out. The constable sat in the front seat with the chauffeur. The car started down Van Ness at great speed.

This was after the fire, when the various departments of the Superior Court were scattered, and I had no accurate knowledge of the location of Judge Cook's court. But when the car swung out Golden Gate avenue I noticed Luther Brown, Calhoun's chief detective, and Porter Ashe, one of Calhoun's lawyers, in a car, leading the way. They were looking back.

I became greatly excited. When we got to Fillmore street I said: "Where are Judge Cook's chambers?"

The man in the front seat turned and said: "We are not going to his chambers. We are going to his residence."

Then I knew that it was a trap. The car was speeding faster and faster out Golden Gate avenue toward the park. I started to rise, looking sharply up and down the street to catch the eye of someone I knew or to attract the attention of a policeman.

As I arose the man next to me pressed against my side a pistol that he had in his right hand coat pocket. He said: "If you make any attempt to escape I'll shoot you."

I could not possibly have been more frightened than I was then. I felt quite sure that they were going to take me out to some lonely spot on the beach or in the San Bruno hills and murder me. The car kept on, following the Luther Brown car, and I knew that Luther Brown had planned the expedition and that he was capable of almost anything.

I began trying to summon what philosophy I could. I felt that I was going to die very soon. My only hope was that death would be quick. I feared, however, that they might torture me, in order to get some kind of statement from me before killing me.

However, being an inveterate cigar smoker, I took a cigar out of my pocket and lighted it. My lips were dry, my tongue was parched; but I made a fairly good effort at a careless air, and said to the dark man on the front seat:

"This is a job put up by the United Railroads. I don't blame them for fighting me. It is quite natural that they should. I have been fighting them pretty hard. But this kind of a deal isn't fair. It isn't sportsmanlike. They are dealing the cards from under the table."

I noticed a slight expression in the corner of the dark man's eye that gave me a little hope. He looked like a sport. I thought perhaps my appeal had struck home.

On we went down the road, past San Bruno, past the Fourteen Mile House, on down through Burlingame and San Mateo, at fully forty miles an hour. After we had passed Belmont it grew too dark to travel without lights. Both cars stopped, Luther Brown's car perhaps 200 feet in advance. The chauffeur got out and lighted the headlamps, and we went on to Redwood City.

Both cars stopped a little distance from the station, in the shadow of the freight shed, and waited. When the Los Angeles Lark stopped I was asked to get out, and was taken into the train and into a stateroom that had been previously provided in San Francisco. Only the two constables accompanied me. The chauffeur and the gunman did not join us.

Dinner was being served. After an interval they took me to the diner. We three sat at one table. During the dinner I thought I would follow up what I deemed to be a slight impression I had made upon the dark man. I said:

"I don't care a damn about myself. I am quite well along in years and have lived a pretty full life. But I am concerned about Mrs. Older. She will be in a terrible state of mind over my disappearance. She undoubtedly is in that condition now, because this is just about the time that we were to be together at a little dinner party at the Francisco cafe on Van Ness avenue. By this time the news of my disappearance has spread and no doubt the police department is looking for me. She will think I have been murdered. I don't ask any mercy from the United Railroads for myself, but I don't think it is quite fair to make her suffer, too."

The dark man said: "By God, you write a telegram to her or to any one you like, and I'll file it at San Jose. I won't stand for this thing unless you are allowed to communicate with your friends!"

He pushed a telegraph blank over to me, and sitting at the table in the diner I wrote a telegram to Rudolph Spreckels to this effect:

"I'm being spirited away on a south bound coast train. I don't know where I am going or what is going to happen. It is a United Railroads job."

The dark man said he would file this dispatch at San Jose.

He got off the train at San Jose, was gone two or three minutes and came back, saying the telegram would go within an hour. There was a telegraphers' strike on, and there might be some delay.

I did not know whether or not to believe him. It was not until later that I learned that Luther Brown had taken the message from him, read it, and torn it up.

After dinner we returned to the stateroom, talked until midnight, and went to bed, the two constables in the lower berth and I in the upper.

CHAPTER XXVI

RESCUED AT SANTA BARBARA

THE train was nearing Santa Barbara when the constables rose in the morning. We went into the diner for breakfast and returned to the stateroom. A little later the train stopped at Santa Barbara, and looking out of the window I thought that all of Santa Barbara was there at the station.

There were many automobiles filled with people, ladies with their parasols, chauffeurs, boys and men crowding the platform. It was a gay looking party. I thought they must be seeing a wedding party off to Los Angeles. I did not relate the crowd to myself at all.

Suddenly there was a loud rap on the stateroom door. The constable opened it, and a man appeared and served them both with subpenas and told me to go with him. The dark man accompanied us. The other man disappeared.

We were driven to the sheriff's office in the courthouse, and I learned that a writ of habeas corpus had been issued by the judge of the Superior Court in Santa Barbara, upon the telephonic request of Rudolph Spreckels and Francis J. Heney. The legal point was that I had asked for bail in San Francisco and had not been given a chance to obtain it, and the taking me out of the city and county of San Francisco was a felony. Spreckels had employed a Santa Barbara lawyer to look after the case.

The case was called immediately upon the arrival of the judge. I took the witness stand and told my story. The United Railroads had employed a lawyer, and the legal point was threshed out by the two attorneys. During my testimony I saw the United Railroads lawyer talking to the dark man and saw him shaking his head. The judge saw this, too. He looked at the attorney and said:

"I see in the courtroom the constable who accompanied Mr. Older, who has not been called to testify. Unless he takes the stand and denies that Mr. Older asked for bail in San Francisco I shall release Mr. Older on bail."

There was another whispered conversation between the attorney and the dark man, and another shaking of the dark man's head. The attorney said: "There is no evidence. We have no witnesses."

The judge thereupon released me on bail. There were a number of men present ready to provide the bail, among them Franklin K. Lane, who happened to be in Santa Barbara at the time.

After being released I joined the dark man and walked out of the courtroom with him, and he said: "You remember the remark you made in the automobile, that it wasn't sportsmanlike?"

I said: "Yes."

"Well, that kind of got me, and so when it came to the point of testifying to a lie, to have you held, I refused to do it."

I thanked him very cordially for what he had done.

I did not realize till later in the day what a shock it had all been to me. Lane and I went out to the beach and had a swim and everything around me seemed queer. I couldn't realize anything very definitely. I was stunned, and I must have been very much more alarmed than I had seemed to be when I was in the greatest danger.

I learned later that the only reason why I am now alive to tell my story is due to the lack of nerve of the man who sat next to me with the gun. He was told, so he has since informed the chauffeur of the car, that he would be paid $10,000 if he killed me on the trip. The plan was that I should be taken from the train at San Luis Obispo, taken through the mountains in an automobile, and killed there.

They were relying on the evidence of the constables and the gun man and the chauffeur that I tried to escape while under arrest, and was killed in an attempt to prevent my succeeding. Luther Brown was from Los Angeles, and he had got a friendly justice of the peace to issue a secret warrant for me, so that they would have acted under a color of law. But the gunman said that he lost his nerve.

I was still in the dark as to how the warning had been given my friends. After I returned to San Francisco I learned that a young lawyer was in the diner when I was sitting there, next to the table where Porter Ashe and Luther Brown were. He overheard Porter Ashe's conversation, and it led him to believe that something unusual was happening, that they had someone on the train who was important, and were spiriting away.

He followed Ashe outside the diner and asked, "Who have you got?" Ashe said, "We've got Fremont Older."

This young man had overheard in the diner something about taking me from the train at San Luis Obispo and giving me a run through the mountains, and he surmised that if that happened I would probably never be seen alive again. He was very much alarmed, and though he had intended to go on to Los Angeles, he got off the train at Salinas at 1 o'clock in the morning, rang up The San Francisco Call and told them what he feared.

This was the first news my friends had of what was happening. They busied themselves preparing the writ of habeas corpus, which was telephoned to Santa Barbara. The Santa Barbara morning papers had the story, and that was why the crowd had assembled at the station. All the trainmen were placed under arrest, and the train searched for me.

This young lawyer would not let his name appear in the affair, either then or later.

The two constables turned state's evidence before the grand jury, and the grand jury indicted both Ashe and Brown for felony. Both of the chauffeurs disappeared, and also the man with the gun. Luther Brown was tried in Judge Dunne's court, not by Dunne, but by a visiting country judge, and was acquitted, which was an indication of how unpopular the graft prosecution had become.

The story of this affair spread around the world, and the London Times printed a two column story about it. Sometime later I met a member of the English Parliament. I asked him if he had ever been in San Francisco before.

He said, "No. It's a very interesting city. I've read some very strange stories about you people, but the incredible one I read in the London Times, a paper that I had always regarded as a truthful journal."

"What was the story?"

"It was an amazing story," he said. "It was a story of the kidnaping in broad daylight of an editor. He was carried away in an automobile at the point of a pistol."

And I said, "Why, that's a true story. I'm the editor."

CHAPTER XXVII

EFFORT TO SAVE FORD

AS I have said, Tirey L. Ford, chief attorney for the United Railroads, who had passed the bribery money from Calhoun to Ruef, was indicted with Calhoun. He was put on the calendar for trial before Calhoun, because we hoped after convicting him to make him confess and turn evidence against Calhoun.

A short time before his case was to be called in Lawlor's court, an old friend of mine called on me at the Bulletin office and asked if I was still friendly to Ford, as I used to be. Suspecting that something was about to develop that would be helpful, I dodged the direct answer and said that I was sorry for him.

"Why?" I asked.

My friend said: "Well, I thought if you were still friendly with him you might be willing to sit down with him and talk this thing over."

I told him I would be very glad to talk with Ford, and I would go still further. If Ford was willing to make an affidavit that he had received money from Calhoun for the purpose of bribing the supervisors through Ruef for the overhead trolley franchise, I would guarantee that he would never be tried at all.

I said that I was strong enough with the other members of the graft prosecution to promise this without consulting them. My friend replied that he would arrange a meeting between me and Ford very soon.

A few days later my friend returned, and said: "We have decided that it is dangerous for you and Ford to meet. Ford is being shadowed by Calhoun. Calhoun is fearful that Ford is about to make some statement. We have decided that a very close relative of Ford will call on you. He has full authority from Ford; everything he says will be just the same as though Ford said it."

"All right, have him call," I said.

The close relative and friend of Ford was Louis F. Byington, a well known attorney of San Francisco. He came into my office not long afterward, and asked me what I wanted from Ford.

I said I wanted the truth about Ford's connection with the bribery of Ruef and the supervisors for Calhoun. Byington said: "Ford is perfectly willing to give you that. He will make an affidavit that he employed Ruef as an attorney and paid him a fee of $200,000, Ruef's employment being the getting of an overhead trolley franchise for the United Railroads. That is the truth," said Byington.

I was very indignant. No one could possibly believe such a story as that, I said. Every one knew that Calhoun had intended to bribe the supervisors, that he had paid the $200,000 to Ford knowing that it was bribe money; that Ford had paid it to Ruef knowing it; that Ruef had paid it to the supervisors knowing it.

And now Ford came forward with this story of Ruef being employed as an attorney, and paid an attorney's fee. Even if I were willing to accept a statement like that, none of my colleagues would consider it for an instant.

"It is the truth," Byington insisted.

I told him the story was useless to us. We might as well stop negotiations right there, if they began that way. I promised him, however, that I would not publicly use the statement he had made to me, and I never did.

After Judge Lawlor refused to agree to Burns' plan to let Ruef go free on the French restaurant case, Burns had gone ahead and with the help of Dr. Nieto and Dr. Kaplan, the two Jewish rabbis, he had succeeded in obtaining a statement from Ruef which involved the big magnates of San Francisco.

I knew nothing of the details of obtaining this statement, and nothing of the inducements held out to Ruef, until during the Schmitz trial.

One day while Schmitz was being tried Burns and I were sitting in an automobile in front of the courtroom. Ruef was on the witness stand, and Burns was uneasy, nervous and absentminded. At last he said: "I hope to God they don't ask Ruef anything about what he has been offered in this case."

I said: "What has he been offered?"

Burns replied: "He has an immunity contract in all the big cases."

"You don't mean that he has in his possession written and signed a contract giving him immunity on all the big cases?"

"Yes," said Burns, "that's the truth. I am afraid they will bring it out in court. If they do, we're gone."

But they did not bring it out, and Schmitz was convicted and sentenced to five years in the penitentiary.

After this it was Heney's intention to use Ruef as a witness against Ford, but suddenly, without explanation to me, he changed his mind. All that he told me was that he had a new plan for trying Ford. I said: "In what way?"

"I'm going to use Ruef as a witness," Heney said, "I have worked out a scheme by which I can convict Ford without using Ruef."

I wondered at this. It seemed to me strange that Heney should cut Ruef's evidence. I asked Burns why Heney was doing this.

Burns said that Ruef had fallen down, had broken his agreement with us. Jim Gallagher had taken a letter from Ford to Ruef warning Ruef of the possibility of a grand jury investigation of the United Railroads, and warning Ruef to beware, to be on his guard. Ruef had testified to this letter before the grand jury, but when the evidence was being worked up against Ford, Ruef said he couldn't recall the letter.

This was Burns' story to me, and I accepted it without question. I felt that Ruef had played us false, and I was in favor of prosecuting him most bitterly, giving him as long a sentence as possible.

Ford was tried without Ruef's evidence, and was acquitted. Ruef was tried, the jury disagreed, and he was held for a second trial.

It was in this second trial that the greatest sensation of the graft prosecution occurred.

CHAPTER XXVIII

CONVICTION OF RUEF

DURING the second trial of Ruef, we received several intimations that men on the jury panel had been approached and bribed to vote for acquittal. We were unable to get hold of facts that would definitely prove this, until we came to Haas.

Haas was an ex-convict, and a lover of a married woman. Bragging to her one day, he told her that he was to be on the Ruef jury, and would get several thousand dollars out of it. She repeated this to her husband, and he, furious with rage and jealousy against Haas, sent the information to District Attorney Langdon.

When Haas was placed in the jury box for examination, Judge Lawlor called him up and asked him if there was any reason why he should not serve as a juror. Haas replied that there was not.

Heney, not wanting to waste a peremptory challenge upon him, and seeing that he would not take advantage of the loophole given him, then exposed the fact that he had done time in the penitentiary, and he was dismissed.

He was shamed and humiliated by this exposure. The United Railroads detectives seized on this fact, taunted and laughed at him for lying down under such an injury, and at last worked him into a desperate frame of mind. He became obsessed with the idea that he could wipe out the injury only by killing Heney. Just before the court was called to order after recess, he walked up behind Heney and shot him through the head.

The town went wild with excitement at the news. Haas was carried off by policemen and thrown into jail. Heney was placed in an ambulance, supposed to be dying, and was heard to say in the ambulance, "I'll get them yet!"

I was, of course, pretty nearly insane. I followed the ambulance to the hospital and got such news as I could of Heney's condition. The surgeons could not say whether or not he would live. I rushed back to the hall that was being used by Judge Lawlor as a courtroom, crying out for Ruef, trying in my half-mad condition to further infuriate the already infuriated crowd there into taking some violent action.

The streets were flooded with extras, and the city was for once thoroughly aroused. Crowds gathered on the streets and in the hotels, the air was electric. Phelan rushed up from San Jose, found me in my office and wanted to know what should be done. Hiram Johnson appeared, pale, trembling, earnest, and said, "I'm ready for anything that it is decided is the thing to do. If it's the rope, I'm for that."

San Francisco's mood was dangerous that night, and the slightest impetus would have precipitated the crowds into mobs, ready for lynching. A wildly excited mass meeting was held. However, cooler counsels prevailed, and nothing was done.

We made every effort to get a statement from Haas as to who had inspired him to do what he had done, but a few days later he was found shot in his cell in the city prison. He had obtained a gun from some source and committed suicide.

The town was still aroused to a point where it seemed we could go ahead with the trial of Ruef and convict him. Hiram Johnson and Matt I. Sullivan volunteered their services in Heney's place, and the trial went on, while Heney lay on his back at the Lane Hospital.

Burns had reported that four of the jurors had been fixed, and he gave us their names. Hiram Johnson made most effective use of this information in his dramatic talk to the jury. He called each of these men by name, pointing to him, and said, "YOU, you DARE NOT acquit this man!"

We hoped to get a quick verdict, but we didn't. The jury retired to a room over the courtroom in Carpenters' Hall and were out all night. There was a meeting that night and all sorts of wild plans were discussed, but nothing came of it. None of us slept.

The next morning the jury was still out. After a sleepless night I went to the courtroom, in a very overwrought condition of mind, and insisted upon the making of an outcry in the court in case the jury came in to ask for instructions. I would demand that justice be done, and the crowded courtroom should let the jury see its temper.

I was talked out of this foolish idea by another man no less overwrought than myself, who ended by saying that he would make the outcry himself. But the jury was not brought in.

The day dragged on. The jury was still out in the afternoon. At about 2 o'clock Heney telephoned me that he was well enough to come down to the courtroom and pay his respects to Judge Lawlor. I thought I saw in this a chance to get a verdict.

I telephoned Heney to wait until I came for him. Then I telephoned to the League of Justice, a group of people organized to support the graft prosecution. They had a number of men, called "minute men," whom they could get at a minute's notice. I asked for as many as could be mustered to come at once to Carpenters' Hall. Fifty, or perhaps a hundred, came immediately, and I told them to jam the courtroom, which was immediately under the jury room, remain there until I arrived with Heney, and as we appeared in the hall to shout as loud as they could.

I reasoned that while the shout could be considered merely a welcome to Heney, it would have the effect of so thoroughly scaring the jury that it would bring in a verdict.

Heney came. I walked in with him, and I have never heard such a roar as went up. It lasted for five minutes. Twenty minutes later the jury came in, some of them white, shaking and with tears on their cheeks, and returned a verdict of guilty.

This was our first big victory. We had convicted Ruef. Judge Lawlor gave him fourteen years at San Quentin, the utmost penalty the law allowed.

Ford had been acquitted of the charge of giving the bribe money to Ruef, but Ruef had been convicted of taking it. It only remained to try Calhoun. This was to be our big star performance.

CHAPTER XXIX

RUEF SENT TO THE PENITENTIARY

THE conviction of Ruef was our first great definite triumph. It exalted us. For days I refused to entertain any misgivings, or allow anxiety to dilute the unrestrained pleasure I felt. Soon, however, came the worry about the upper courts. Would the appellate or supreme court dare to upset our work of years and save Ruef from the penitentiary? We hoped not, but we feared. Their previous rulings had all been against us.

Henry Ach was Ruef's leading attorney, and we knew his remarkable ability and resourcefulness. He prepared the appeal to the appellate court, working on it for months. It was said to contain more than a million words. It had the record for size and hair splitting technicalities.

To our astonishment and satisfaction, the appellate court made short work of it. In an amazingly brief space of time after the case was submitted, a decision came down upholding the verdict in the lower court. This lessened our fear of the supreme court. We reasoned that it would not have the courage to interfere.

In time Ach petitioned the supreme court for a rehearing, and to our horror it was granted, four of the seven justices voting for it. Were we to be thus balked of our prey? Enraged, I assigned several men to the work of attacking the decision, the justices, the lawyers, and everyone remotely connected with it. I realized that it would accomplish nothing in legally altering the status of the case, but perhaps I could arouse public indignation, and failing in that, at least I could have revenge. The article that I prepared covered every possible angle of the case, including interviews with attorneys favorable to our side, and vicious attacks upon the justices.

At an early hour on the morning following this publication, Charles S. Wheeler, the well known attorney, called on me.

He said, "I read the article in the Bulletin last evening, and I have come to you because you are the only member of the graft prosecution in the city. Spreckels and Heney are in the East. Do you want to send Ruef to the penitentiary on a technicality?"

"Yes, I do," I replied.

"I think myself that it is only poetic justice that he should go over on a technicality," he said. "He has used so many of them himself. Now is the time to decide. If you would rather not, say so now and we will let the matter drop."

"I think he ought to go," I said.

"Very well, then," said Wheeler. "Make an appointment for me with Governor Johnson in Sacramento for this evening and have Attorney General Webb present, and I will explain how it can be done. In your paper last night you had a story that after Justice Henshaw signed the order granting a rehearing, he left for the East, and when the decision was rendered he was not in the state. You probably are ignorant of the legal significance of that fact, but it means that when Henshaw left the state, he was legally dead. Therefore, only three members of a court of seven justices affirmed the decision. It required four. I will explain it all to the governor and the attorney general this evening."

At that time the legislature was in session and John Francis Neylan was the Bulletin's legislative correspondent. I telephoned him to make the appointment.

Wheeler and I took the 5 o'clock train, and we were in the governor's office a little after 8. The governor and the attorney general were waiting for us.

I was, of course, in a great state of excitement. In a few words I explained the reason for our visit and asked Wheeler to state the case. He was very cool, calm and brilliant. In the fewest words possible, he outlined the law pertaining to the absence of Henshaw from the state and he made it quite clear to Governor Johnson that the decision of the supreme court was worthless, and that if the attorney general would follow his instructions, it would be upset.

The governor and I were enthusiastic. The attorney general was not. He raised many objections. This aroused the governor and in one of his characteristic speeches, he pointed out to Webb just what his duty was in the matter, and that this was not the time to quibble or hesitate. When the governor finished, I broke into the discussion with a violent tirade about the enormity of Ruef's crimes, and being very angry at Webb's apparent hesitancy, said many foolish things which later I regretted.

The meeting ended, however, by Webb agreeing to do what Wheeler said could be legally done, which was to appear before the supreme court and point out to that body that Henshaw's signature to the order was non-existent after he left the state.

The attorney general carried out the program to the letter, and the court, with Henshaw acting, reversed itself.

All obstacles were thus cleared away and Ruef entered the penitentiary under a fourteen year sentence.

CHAPTER XXX

JIM GALLAGHER WEAKENS

JIM GALLAGHER was our big witness in the trial of Calhoun. Shortly before the case came to trial, Gallagher's house was dynamited, at a time when he and seven other people were in it. No one was killed, although the building was wrecked. Almost immediately afterward, some flats he owned in Oakland were dynamited.

Gallagher began to waver. There was no question that he stood in hourly danger of death because of his value to us in the Calhoun case. He was badly frightened.

We were doing our best to hold him in line, but this was naturally somewhat difficult. Burns said that if something was not done to satisfy him, Gallagher would go away and leave us in the lurch, and we would fail in the Calhoun trial, our biggest case. I asked what I could do, and Burns said that Gallagher felt he should at least be reimbursed for the destruction of his flats.

He wanted me to promise that after the Calhoun case was finished, Calhoun either convicted or acquitted or dismissed, that I would pay Gallagher $4500 for the destroyed flats. Neither the district attorney, nor Heney, nor Burns, nor anyone officially connected with the prosecution, could offer Gallagher that money, but as a free lance I could do so.

I asked Burns if Gallagher would take my word for it. Burns said he would. So I sent for Gallagher and promised him the $4500 definitely, and he said, "I'll take your word, Mr. Older. I'll remain and testify."

In doing this, I was not troubled by any finely construed points of law. We knew that Calhoun was guilty, we felt that he ought to be punished. If we could have convicted him without using any questionable methods, openly and above board, of course we would have preferred to do it that way. But we could not, and since we had to fight fire with fire, and meet crookedness with devious methods, we did that. The big thing, the only important thing, was to convict. Everything else was lost sight of in that one intense desire, born of the long, hard fight.

When Calhoun came up for trial, Gallagher stayed with us, and testified. The case dragged on, through all the delays and vexations and squabbles of such a case.

I was very anxious that Roy tell on the stand the story of Calhoun's many efforts to bribe him, of the trip to Luther Brown's father in law's house in Alameda, and the promised $150,000, and the affidavit that Brown had signed on the bottom. But Roy was reluctant.

He said: "If they bring it out in questioning me, I'll tell the whole story; but if they don't I'd rather not."

They didn't, of course. Calhoun's lawyers treated him very gingerly. His examination was continued from one day to another, and before he was to go on the stand the second day I talked with him very earnestly. I urged him to blurt out the whole affair, and I thought that I had got him to the point where he would do it.

I went with him into the courtroom. When Calhoun's attorneys saw me in the court, they felt sure that I had persuaded Roy to tell the story, and they did not call him to the stand at all.

The jury finally came in with no verdict. They stood 10 to 2 for acquittal, and were unable to reach a nearer agreement.

It was hard to say why juries do these things. The long, tiresome delays and arguments over minor and confusing points of law, the innumerable wearisome details, questions of exact time, of the character of witnesses, of precedents and procedures, undoubtedly wear out a juror's patience and exhaust him mentally. But in this case there is no doubt money was used.

In addition to this, the excitement over Heney's shooting, and over the dynamiting of Gallagher's house, had long died down when at last the Calhoun case went to the jury. The graft prosecution had been fought for two long years. People had tired of it. They wanted it ended, no matter how, only that it was finished and done with.

The property owners of the city still regarded Calhoun as something of a hero for killing the street car strike, and also they felt that all this agitation about graft was not good for San Francisco's reputation. Public opinion was setting hard against us. The Calhoun disagreement really ended the graft prosecution, although we did not know it.

It was the fall of 1909. The city elections were coming on, and again the fight became a political one.

The Calhoun people brought Charley Fickert into the fight as candidate for district attorney, obviously with the understanding that if he were elected he would dismiss the charges against Calhoun and all the other defendants. Francis J. Heney ran against him.

For mayor, those favoring the grafters put up William Crocker, a planing mill man. He was a Republican and it was thought by the powerful people here that he would be a safe man, and if elected would assist in stopping any further prosecution of the big malefactors.

Crocker's candidacy brought the fight into my own office, and I found myself beset from both sides, trying to contend against enemies both outside and inside the Bulletin The trouble ran back directly to the old Tobin-Wells fight for mayor.

CHAPTER XXXI

THE GHOST OF THE TOBIN-WELLS FIGHT

DURING the entire progress of the graft fight the ghost of the old Tobin-Wells fight for Mayor haunted me. In my arrangements with Spreckels, before he agreed to help finance the graft fight, he insisted that he would not go into it unless it led to Herrin.

"Herrin is the man behind the corruption of our whole state," he said. "Herrin is the man who has broken down the morals of thousands of our young men, debauched our cities and our towns and our villages, corrupted our legislatures and courts. I will not go into this thing unless it is understood that it doesn't stop short of dethroning Herrin."

I had promised that the trails would be followed, clear to their center in the Southern Pacific ring, and from that it followed naturally that the Bulletin was making a vigorous campaign against the head of the law department of the Southern Pacific.

Crothers became very nervous about it and suggested several times to me that he didn't want Herrin attacked. I felt then that he feared Herrin would expose the Wells money paid the paper, but in spite of that power which Herrin held over us, I continued to go on with the campaign against him.

Frequently Crothers would go into the printing office and look over the headlines himself, and if he discovered Herrin's name, would insist on its being lifted out of the paper, but even with this interference I managed to keep up the fight.

Finally, he told me flatly that he wanted the attacks on Herrin stopped, the criticism of Herrin to cease. I replied frankly that it was impossible for me to do that, that the entire reportorial force was under full headway in the fight, and they were writing, all of them, from the angle of the paper's policy as it appeared to them, and I could not go to each man and tell him that he must not criticise Herrin.

"I can't do it, Mr. Crothers, because I am ashamed for you. If it's to be done, you'll have to do it yourself. I can not."

He did not have the courage to do it, and it was never done. However, all the time our opponents were trying to reach into the office. They succeeded in getting the business manager at that time to undertake to break me down, but I resisted all his efforts. The fight become more burdensome, because it extended into the very building in which I worked. It was hard enough to fight the outside world, and the struggle with the men inside added to the difficulties.

After the friends of the big grafters put up Crocker for Mayor I heard that some of them were working on Crothers to get him to support Crocker. Again I found myself in the same position I was when I opposed the Bulletin's supporting Wells. I was quite sure Crothers would not switch the course of the paper in the midst of a big fight such as we were waging, for any other reason than the old reason.

However, as he said nothing to me about it, I hoped for the best. Then one day he told me he thought we ought to support Crocker. To do it meant to go over to the enemies of the graft prosecution, meant to support men who were pledged to dismiss our indictments and destroy the result of all our labor. I told Crothers that I would not do it.

He replied that he owned the Bulletin, and that it would support whomever he chose. I grew very angry and excited and replied, "Yes, what you say is perfectly true. You do own the Bulletin, but you don't own me, and I won't stand for Crocker."

I walked out of the room, very angry, determined never to return. I went to my wife and told her that I was through with the Bulletin. She wanted to know the reason, and I told her that Crothers had gone back to his old methods. He was determined to get behind the candidate who represented the men we had been fighting, and I could not bring myself to continue in my position.

Later I had a talk with our attorney, who was a friend both of Crothers and myself, and he persuaded me to talk again with Crothers. This time Crothers spoke in a very mollifying way, urging that we ought not to quarrel over such a small matter. We were both very nervous. What he said at the time gave me the impression that he had abandoned Crocker, but a day or two afterward he brought Crocker up to my office and introduced him to me.

I asked Crocker whether or not he would support the graft prosecution if he were elected. He evaded the subject, quibbled and dodged, while I became more insistent upon a direct answer. He would not give it, and at last I lost my temper and dismissed him very curtly.

The interview was so stormy and I was so determined not to stay with the paper if I were to be forced to change my attitude, that Crothers finally yielded and I had my way. The Bulletin supported Heney and Leland, the opponents of Fickert and Crocker. Leland wrote for us a strong, unqualified endorsement of the graft prosecution, and I felt that he would be sincerely with us.

So we went into the final battle of the graft prosecution. It was fought bitterly.

Labor, because their Mayor, Schmitz, had been exposed by our investigation, was, I think, largely on the side of Fickert. The bribery and graft and rotten city conditions that we had revealed did not greatly concern them. It was too far removed from their own personal, immediate interests for them to become partisans in the struggle. And the clear issues had been very skillfully clouded by Calhoun's efforts.

Of course, we believed that two-thirds of San Francisco would be in our favor. We did not dream until the day of the election how greatly mistaken we were. All through the campaign our meetings were largely attended. Heney spoke to packed audiences in every district in the city. There was great enthusiasm wherever he appeared, and he was working like three men in his enthusiasm for our cause.

The United Railroads made a wonderful campaign. Money was poured out with no thought of cost. The Post and the Oakland Tribune issued big editions which were left at every doorstep in San Francisco. Women's clubs were organized and women went about among the people whispering the vilest scandal about Heney.

The United Railroads had a complete card index of every voter in the city, and toward the close of the campaign the betting at the poolrooms should have shown us that Fickert would win. But we could not believe it; I refused to believe it. I still had too much faith in the people to believe that such a calamity could possibly happen, that any city could actually vote for men who had been proved to be exploiting it.

Up to the day of election I was certain that Heney would win. Late in the afternoon, however, Burns and Spreckels came into my office, both of them white. They had been out in one of the Mission districts where only laboring people lived, and they had been jeered from the sidewalks as they drove along in an automobile. That convinced them that we had lost.

It was a terrible blow, but we bore it as best we could. The returns came in that evening, showing Fickert far in the lead. Heney, I think, polled only 26,000 votes; Fickert beat him by ten or twelve thousand.

CHAPTER XXXII

FICKERT PLAYS HIS ROLE

THE election of Fickert was really the end of our hopes of convicting the men who had debauched San Francisco.

Hardly had the election results been announced when Gallagher's brother came to me and demanded the $4500. I had promised to pay Gallagher for the flats that Calhoun's men had dynamited. I told him that we were not through with Calhoun yet. The jury had disagreed at the one trial, but there were still other indictments, and other trials.

"The bargain was that your brother was to stay with us till the case was definitely ended. It has not ended yet. When it does, I'll pay him the money."

Gallagher's brother left, dissatisfied. It was too well understood that Fickert was to take program from the Calhoun crowd for him to have any faith in our ability to try Calhoun again. I was still doggedly hanging on, hoping in spite of hopelessness, but he may have believed that I was about to break my promise. I do not know.

I only know that a very short time after this interview Gallagher disappeared. None of us knew where he was, or could locate him. No doubt he received help from someone and went away and kept away until Fickert had carried through the Calhoun program.

Fickert went into court with a written document, obviously prepared for him by the attorneys for the United Railroads, asking the dismissal of the Calhoun cases, and they were dismissed. All the other big defendants were also dismissed. The graft prosecution was over.

It had been a hard three years' struggle, three years of incessant effort, battling against every kind of opposition. It was over, and we had just one thing to show for it—Ruef in jail. Of all the men who had sold and bought San Francisco and the people of San Francisco, we had put just one behind bars, in stripes.

To this end Heney had given three years of his life, of hardest possible work, without receiving one penny for it, paying his own living expenses from money he had saved. He had been shot through the head and made deaf in one ear. He finished the fight almost without money, with his practice gone, and nothing but defeat at the hands of the people of San Francisco to repay him for it all.

He stood stripped, but still full of fight and fire, with a determination to succeed in life. The contest, of course, had increased the national reputation he had begun to earn in the Oregon land fraud cases. Though rejected by San Francisco, he had become a national character, which he still is, with a large following all over America.

Roy was ruined by the powerful people behind Fickert, who were interested in clearing Calhoun. His restaurant failed, his skating rink failed, he lost all his money. He had quite a large family on his hands, to which he was deeply devoted, and without money, ostracised by the business men who might have helped him, he became so desperate that he disappeared from San Francisco. He went without a word, and not even his family knew where he was.

But he had not lost heart. He knew what he was going to do. He found employment in the East, and when he was established there he communicated with his family. In time he made a moderate success, and later returned to California and became a prosperous vineyardist in the Santa Clara valley.

Burns, who received all the credit for obtaining the confessions of the eighteen supervisors—the feat that made the graft prosecution possible—became the nationally known figure that he is today, and accumulated a large fortune. So far as I know Roy has never received the smallest credit for his work, though he not only formed the plan which trapped the supervisors, but carried it out himself in every detail.

The failure of the graft prosecution was a bitter disappointment to me. I had hoped that we would be able to reach the big men, the men at the top of the whole pyramid of civic corruption. I felt that they were the men responsible for the shameful conditions in the city, and I was not satisfied that we had been able only to get Ruef, one of the less important men.

Still, I was glad that we had got him. That was a small triumph. I felt that our efforts had not been without some result, though we had failed in our real endeavor. This feeling, hardly formulated, lasted in my mind for some time after the end of the graft prosecution. Then one day in New York I learned something that had upon me the effect of an earthquake.

I was standing in the lobby of the Waldorf-Astoria, idly talking with Burns and S. S. McClure, the publisher, when McClure happened to inquire, "Why did you fellows break the immunity contracts with Ruef?"

"Because he refused to play fair with us," I said. And I told about the letter that Gallagher had carried from Ford to Ruef, to which Ruef had first testified, and then refused to remember when it was needed in the Ford trial.

"Hell, no!" said Burns. "That wasn't the reason at all. Where did you get that story."

"You told it to me," I said.

"Oh, I never told you a story like that! That didn't have anything to do with our breaking the immunity contracts."

"You did tell it to me," I insisted. "And I've told it to a hundred others. What was the reason, then?"

"Ruef wouldn't testify that the money was paid him to use in bribing the supervisors. He wouldn't testify that Ford had ever said anything to him about bribing. He insisted on going on the stand and saying that the money was paid him as an attorney's fee."

A light burst upon me. I remembered the message Louis Byington had brought me, from Ford.

"Maybe it was," I said.

Burns would not listen to it a minute. He insisted that there must have been some verbal understanding that the money was to be paid as bribes to the supervisors. Anyway, he said, such testimony from Ruef would have been ridiculous. Of course the money was not paid to him as an attorney's fee. Of course it was bribe money, even though they had called it an attorney's fee. But Ruef had been stiff-necked, and had refused to swear that Ford had said a word to him about bribery. For that reason the immunity contract had been broken, and Ruef had been sent to San Quentin for fourteen years.

I returned to San Francisco with a great deal to think about.

CHAPTER XXXIII

MY ATTITUDE ON RUEF

THE longer I considered the story Burns had told me, coupling it with Byington's statement, and with other small incidents that now occurred to me, the more convinced I became that Ruef had not broken faith with us, but that we had broken it with him.

It became apparent to me that Ruef had promised to tell the truth, in return for the promise of immunity, and that later, when he refused to tell more than the truth, the immunity contract with him was broken, and he was sent to the penitentiary.

This seemed to me a terrible thing. Yet I could not escape the conclusion that we, who had been working to purify the city, had done this terrible thing. And as I thought more about it, other things that we had done came into my mind, and I could not deny that in themselves they were not virtuous or praiseworthy acts.

But, I reasoned, we were intent upon doing a praiseworthy thing. It was our intention to rid the city of men who were corrupting every nook and corner of it, who were linking up the lowest dives with the highest places in the community, who were selling the rights of our children, and the morals of our young men and women. If, in the heat of our enthusiasm, we had done questionable things, at least we had done them for a good cause, and with a good end in view.

It came to me then that doubtless other men justified themselves in the same way. I thought of Ruef in a new light. I thought of him as a young man, just out of college, ambitious, clever, energetic, desiring to make a place and an honorable name for himself in the world's affairs. I thought of the conditions he had found around him, of the price he saw other men paying for success, of the temptations pressing upon him to win popularity, honor, and acclaim by the only methods open to him, methods that he saw used by other men who were successful and admired.

It was not Ruef who had made those conditions. It was we, the people, who had made them. We had made money our measure of success, careless how the money was acquired; we had been bad citizens, careless who controlled our city or how they controlled it, if only each of us was left alone to bend all his own energies toward getting wealth and honor. We were responsible for the environment in which Ruef found himself, we had set up the standard of success which he tried to reach.

We did not question the methods by which a man got money; we only demanded that he get it. Even now, we were not punishing Ruef so much for what he had done as for being found out. Other men, equally guilty, were walking abroad in the light of day, enjoying friends, success, popularity. We had not altered the conditions in the least; we had not changed our standards of value; we had not ceased to flatter and fawn upon the man who had got hold of money, no matter how he got it.

It came to me that Ruef, seeing these things, justified to himself the things he had done, just as I justified to myself the things that I had done. I had been fighting for a clean city, but my motives had not been all pure, civic devotion. I had not been unaware that I was making a big and conspicuous fight, that it was making me a big figure in men's eyes, and that if I won I would be something of a popular hero.

All these motives had mingled to give me one strong, burning desire—to win the fight. It had seemed to me that many questionable acts were justified if they would contribute toward that end. I knew Ruef and Ford and Calhoun and Schmitz were guilty; I wanted them convicted, and I had not greatly cared how it was done.

Now, thinking of Ruef, I believed I saw that he had felt the same way. No doubt many motives had entered into his desire for success. He had wanted to stand well in men's eyes, he had wanted to repay the affection of his people by making them proud of his achievements. He had come from college, a young man, to find San Francisco what it was, and he had made his place in it, doubtless justifying himself at every step.

When I thought of Ruef in this way, I felt a change in my attitude toward him. I thought of the years I had spent, doggedly pursuing him, with the one idea of putting him behind bars, and it seemed to me that I had been foolish and wrong. It came to me that I should not have directed my rage against one man, human like myself, but that I should have directed it against the forces that made him what he was.

Those forces were not changed by our putting Ruef in San Quentin. Money was still the only standard of success, the only measure of power, and it still is; great corporations still continued to control an apathetic people; all the influences that had made Ruef were still busy at work making more Ruefs. We had done nothing but take one man from beneath those influences, leaving an empty place that another man would immediately fill. We had done nothing but wholly wreck one man's life.

I began to feel that I should ask Ruef's pardon for the harm that I had done him.

At last one day I went across the bay to San Quentin to do this. It took all the philosophy I could summon to uphold me on the trip. It was a difficult thing, after three years of bitter enmity, to go to Ruef and tell him that I was sorry I had taken the stand I had taken.

The thing I had come to do grew harder every moment while I waited for Ruef to come into the visitors' room at San Quentin. The captain had sent a man to tell him that a visitor was waiting. At last Ruef came in. His eyes fell upon me, and went past me, looking for someone he thought wanted to see him.

I went over to him then and held out my hand. I told him that I had come to see many things differently, that I was sorry for much that I had done, and I asked him to forgive me. We talked for some time.

Later, when he had become convinced of my sincerity, he told me his own story of the breaking of the immunity contract.

CHAPTER XXXIV

RUEF BREAKS DOWN

RUEF'S own story of the making and breaking of the immunity contract was this:

He had known nothing of the confessions of the supervisors until after he was brought back from the Trocadero and lodged in the Little St. Francis Hotel. Then, the graft prosecution, feeling that it could not trust the sheriff as his custodian, Judge Dunne appointed an elisor, William J. Biggy, to take charge of him.

In order to keep him entirely away from his friends and associates a big residence was rented on Fillmore street, and Ruef was lodged there under the constant supervision of the elisor. No one was allowed to see him save by permission of the graft prosecution.

Here he was informed of the confessions of the eighteen supervisors. He was shown that he was doomed, that his only hope lay in appeasing us by confessing his own share in the briberies. Rabbi Nieto and Rabbi Kaplan were allowed to see him, and they pleaded with him to yield. However, he steadfastly refused to do so.

"At last one day they told me that my mother was very ill, seriously ill, that she was calling for me. They said I might go to see her. Rabbi Nieto came to accompany me, and I was taken home.

"When I entered the room my mother was lying in bed. She was pale and very much changed. My old father was standing beside her. She stretched out her arms, with tears pouring down her cheeks, and said, 'Oh, Abraham, Abraham!'

"The rabbi said, 'You see what you have done to your mother, and to your gray-haired father. It is because of what you have done that your mother lies here, as you see her now. Will you not try to spare them further shame and disgrace?'

"My mother said, 'Listen to our friend, my son. Do as he tells you, for my sake.'

"Then for the first time I broke down. I wept, and I said that I would do anything they wanted me to do.

"After that Rabbi Nieto and Rabbi Kaplan saw Burns and Heney and Spreckels and made the arrangements. I was to be given immunity if I would tell the truth. So I told them everything. I felt bitter humiliation as I did it. I knew that I was betraying my old associates. I was torn between my loyalty to them and my love for my family. I felt that in confessing I was doing a worse thing than I had ever done before, but I did it.

"Then before the Ford trial, when the evidence was being arranged, I was told that I must testify that Ford had given me the money for the purpose of bribing the supervisors, that something had been said between us to that effect.

"This was not true. Nothing whatever was ever said as to the way in which the money was to be used. We spoke of it always as an attorney's fee. The understanding between us was never put into words. I assumed that Ford supposed that I was to use the money as bribes wherever it was needed to get the overhead trolley franchise; I knew that he did not pay me $200,000 in the belief that I would keep it all, myself, as my fee. But nothing was ever said that indicated this understanding.

"I was willing to go on the stand and tell the whole truth. But I would not go beyond the truth. I felt bitterly ashamed that I had gone so far as I had, and nothing would persuade me to go further. I had betrayed my old associates badly enough, without swearing to falsehoods against them.

"I refused to testify that Ford had ever said anything in regard to bribing the supervisors, and for this reason the immunity agreement with me was broken, and I was sentenced to San Quentin for fourteen years."

This was Ruef's story, and I believed it absolutely. I began at once, through the Bulletin, to plead for mercy for Ruef. I wanted to tell this story fully and publicly, and base my demand for Ruef's parole on the ground of simple justice. But I was unable to do so.

Crothers was unwilling that the halo which rested upon us for our share in the graft prosecution should be disturbed. We had won considerable credit in the fight, we were looked upon as disinterested, ardent crusaders, incapable of any wrongdoing. With all his power as owner of the paper, Crothers refused to allow this impression to be disturbed. So I was obliged to make my appeal for Ruef on purely sentimental grounds.

My changed attitude on Ruef displeased all of my former associates in the graft prosecution. Suddenly for me to ask for mercy for Ruef caused them to say, and perhaps to believe, that I had in a measure renounced the fight that was so dear to them all.

This was Judge William P. Lawlor's attitude. Shortly after his last election to the superior bench he called to thank me for the help the Bulletin had given him in his campaign, and to say goodby. He was about to go East to visit his old home. During this interview the judge said with a good deal of feeling that he was sorry I had been unfaithful to the graft prosecution.

I quite lost my temper at this remark. "I have not been unfaithful," I replied. "But now that I have cooled off, I can see and think more clearly. I don't like many things we did to convict these men. I approved of all of Burns' methods at the time, but upon reflection I can't help thinking that we sometimes turned just as sharp corners as the defendants and their detectives."

"Mr. Burns is an honest man," said Lawlor with considerable heat.

At this I lost control of myself. "You say he was honest? I know he was not," I declared. "You must remember Captain Helms, one of our witnesses in your court in the trial of Calhoun."

"Very well," Lawlor replied.

"You probably also know that Helms had been one of Calhoun's detectives doing his dirty work. After he finished his testimony, Burns came to me with Helms and wanted me to get $10,000 for him from Rudolph Spreckels. Burns then left me alone with Helms. I asked him if Burns had promised him $10,000 before he testified. Helms told me that he was living on a ranch in Humboldt county when Burns' men came to him and offered to pay his mortgage of $7500 and give him an additional $2500 if he would come to San Francisco and testify against Calhoun. This was the felonious bargain that Burns had made and which he turned over to me to carry out. I sent Helms away and later told Burns that if he had made such a promise he should fulfill it. I would have nothing to do with it."

CHAPTER XXXV

FIGHTING FOR RUEF'S PAROLE

WHEN I finished telling Lawlor the Helms story, he started with, "If Burns did that—"

He got no further. In a frenzy, I shrieked at him, "How dare you say 'If Burns did that!' How dare you question what I am telling you occurred in this room? Further than this, you committed perjury yourself when you made an affidavit that you were impartial and could give Ruef a fair trial. Only a short time before you made the affidavit you told me in your room at the Family Club that the dirty blankety-blank should be made to crawl down on his hands and knees from the county jail and be put on trial on one of the big indictments. I think I agreed with you at the time and rejoiced in your attitude, but I see it differently now that I have had time to reflect."

My voice carried far out into the local room and alarmed the reporters.

Of course, I was soon sorry for what I had said, and it is humiliating to tell it, but it is necessary in order to make clear the meaning I wish this story to have.

Lawlor left my room with foam on his lips. He has never forgiven me.

I went on with my efforts to accomplish the parole of Ruef, but owing to Governor Johnson's attitude toward him I could make no headway. I criticised the Board of Prison Directors for nullifying the statute that provided for the parole of any first offender who received less than a life sentence at the end of one year. The board had made this law inoperative by passing a rule that each prisoner must serve half of his net sentence before his petition for parole would be given a hearing. Prior to my efforts in Ruef's behalf this rule had been frequently broken, but as soon as I tried to make it apply to Ruef the board endeavored to live up to the letter of their rule, and only in rare instances violated it. The power against me was too great to overcome. The Governor insisted that Ruef should serve half of his "net" sentence, four years and five months. Not a day was subtracted. The fight to free him was long and bitter. In the midst of it I was invited to address the Jewish Council of Women. Having nothing in my mind but the Ruef case, I chose that as my subject, hoping against hope that I could yet accomplish Ruef's release. My talk before the Jewish women was rather in the nature of a confession. In it I said:

"I shall never forget the morning that Ruef started for the penitentiary. All the bitterness and hatred of all the years of pursuit came into my mind to reproach me. I thought, 'Is this success, or is it utter failure? Is this a real victory or an appalling defeat? After all the years of mad pursuit, is this the harvest? The imprisonment and branding of one poor, miserable, helpless human being.'

"In imagination I followed Ruef on his journey to the prison. I saw him being shaved, and photographed and striped and numbered, and degraded and humiliated. I thought of his tears, and of his suffering, and of those who were near and dear to him. And then it dawned upon me for the first time that my life, too, had been filled with evil; that I had done many cruel things; that I had at no time been fully fair to him, or to the others who were caught with him; that I had been striving, as he had, for success, that I had been hunting others in order to make money out of a successful newspaper; that I had been printing stories that made others suffer that I might profit; pandering to many low instincts in man in order to sell newspapers; that I had told many half truths and let many lies go undenied. And when I thought of all that Ruef had done and of all that I had done, I could not see that I had been any better than Ruef, and so I asked for and pleaded for mercy for him with the best arguments that I could command. I asked for his parole at the end of one year. I urged it on the ground that it was a legal thing to do, that the State's statute provided for the parole at the end of one year. In making the plea I encountered a rule of the prison board which forbade any prisoner applying for parole until he had served half of his net sentence. That, according to my view, nullified the spirit of the law, and was, therefore, illegal and wrong. The campaign went on for his parole. I was met on every hand with protests and objections, expressions of hatred, and at best this, 'He is not repentant. Why doesn't he repent?'

"I wonder if any of us has repented. What is repentance? Certainly no man can fully repent in prison. Repentance must be free and voluntary. The state can not force it by locking a man up in a cell for a term of years. It can make him suffer; it can make him weep; it can make him a craven; or it can make him bitter and resentful and vicious, and make him desirous of wreaking vengeance upon society that is wreaking vengeance upon him. But it can not give him humility, which is the essence of true repentance. I wonder how many of those who are hating Ruef and who are opposing his parole have repented. How many have that rare quality, humility? And how many are there who know that mercy is beautiful and precious, and even practical? We, who consider that we are good, can, of course, easily forgive the little evil we see in ourselves. And if we can do this much in our own case, why can we not extend this forgiveness to the greater evil we think we see in Ruef? I have tried to repent for the bitterness of spirit, the ignorance I displayed in pursuing the man Ruef, instead of attacking the wrong standard of society and a system which makes Ruefs inevitable. I may not have entirely succeeded, but at least I have reached the point where I can see the good in the so-called bad people, and can forgive and plead that mercy be shown to Abraham Ruef.

"You can imagine how Ruef and the other men who were indicted with him viewed us, who were in hot pursuit. You can imagine that they knew enough of us to know that we were not what we pretended to be; that we were not fit to preach to them from a pedestal. They knew that we were full of evil, too. They knew that our lives had not been perfect and you can well understand how deeply they resented our self-righteous attitude toward them, and our abuse of them, and our hatred of them, and our intemperate invective and relentless warfare upon them. They knew us because they knew we were human, and that it is human to err. They knew that we were no better, and no worse, than the average human being, and while they perhaps were conscious that they had done wrong, they knew we were bad, too; but we had not been found out. Perhaps our misdeeds may not have involved the breaking of the Penal Code. But perhaps they had, and we had escaped detection.

"Ruef and the others had merely been found out and caught. Being found out was Ruef's chief crime. I feel sure that if he had escaped detection, even though we were possessed of a general knowledge of all that he had done, he would still be honored and respected in this community. So Ruef, after all, was punished for his failure, not for what he did."

CHAPTER XXXVI

PAT SULLIVAN'S STORY

AFTER Ruef and I became friends, I used frequently to to go to prison to see him. On one of my visits, I had to wait a little while for Ruef, and while I was waiting Warden Hoyle handed me a typewritten article to read. It was about the indeterminate sentence.

I read it through with great interest and asked him who wrote it. He said it was written by a prisoner named Donald Lowrie, who had written many other things that were quite good.

At once I became interested in Lowrie. I asked to see him. The warden called him in from an adjoining office, where he was acting as bookkeeper. He was in stripes. I told him that I had read his article and thought he had great possibilities as a writer. I said: "If you could get out of here I would take you on The Bulletin."

His face brightened. "If you can get me out on parole, I will be glad to try writing," he said.

I appealed to the Board of Prison Directors and they said they would be glad to parole him. Thereupon, I visited Lowrie and told him he was going to be paroled, and I thought the best thing for him to do was to write an honest, straightforward story of his life in prison.

He said that he would be glad to do it, except that his mother would object; that she was conventionally minded and thought that the family had been disgraced by his misconduct.

I told him to suit himself about that, but that I thought he could get rid of the stigma of the prison immediately if he were frank about himself. Otherwise, he would continually be pointed out as an ex-convict.

He finally decided to write the story, under his own name, and when he came out of prison he had already written the first two chapters of his now famous book, "My Life in Prison." I started the story as a serial in The Bulletin, and it made an instantaneous sensation.

Within two weeks after it started, Lowrie was the speaker before the Commonwealth Club at the Palace Hotel, and from that time he was in great demand all over California, speaking before women's clubs, in high schools and in churches. His story was largely responsible for the prison reforms in California and also for the great changes in Sing-

Sing prison, brought about by Tom Osborne. Osborne gives credit to Lowrie's book for awakening his interest in prisons, and when Osborne was made warden of Sing-Sing he sent for Lowrie to act as his secretary.

My faith in Lowrie recalled and reawakened an old interest I once had in prisoners. Many years before when I was a police reporter on one of the city papers a patient in the Emergency Hospital asked me to write a letter for him to his wife. The man was Pat Sullivan. He was recovering from an attack of delirium tremens. He was one of the strongest men physically I had ever seen. He had a massive frame, broad shoulders and a thick neck. His brow was low and his eyes were small. His face was unpleasant, but I became interested in the story he told me.

He was born in Ireland and when quite young came to America and became a stoker in the American Navy. For many years he held this job and when he quit in San Francisco, he had saved $7000. He wanted to go into business for himself, and being attracted by the red lights, he bought a dive on the Barbary Coast. Women had never come into his life up to this time, but in the saloon he had bought there was a woman hanging around attracting other men. She was 35, divorced, with a son 10 years old. The court in granting the divorce had given the child to the father on account of the loose habits of the mother.

She was a dream of loveliness to Sullivan. He fell in love with her at first sight, married her and established a little home of his own.

She drank a great deal and ran about with other men. Sullivan took to drink and he soon lost his saloon. He went to work as a laborer, still trying to cling to the woman he loved. Frequently, she would disappear while Sullivan was at work. He would come home at night, find her gone, the few sticks of furniture sold, the house empty and deserted. Then he, too, would get drunk, lose his job, hunt her up, take her back and try it again.

It was after one of these disasters that I found him in the city prison. In the letter I wrote for him he pleaded with her to brace up. He would get another job and they would again try to be happy together. As the case interested me, and as I had a little influence with the Republican boss, I got Sullivan a job as a coal heaver on the State tug. He went to work, rigged up a flat, got his wife back and tried it again. In a few months, another crash came. The woman was back "cruising" on the Coast, and Sullivan was in the gutter.

Coming down town one morning on the dummy of the California street car, the gripman said cheerily, "Good morning, Mr. Older." I looked up and it was my old friend Sullivan, with a brand new uniform on, looking happy and contented.

He answered my inquiring look with, "Well, we are all right again, Mr. Older. I have got a little flat and some furniture and we are living together. She has promised never to leave me again." He was full of confidence.

I lost track of him for a year or more. Meanwhile, I had become city editor of the Post. One morning I picked up the morning paper to read that a ghastly murder had been committed. A man had lain in wait for a woman on Pacific street, had jumped upon her from a dark doorway with a knife, and had cut her to pieces. The man was described as a hardened, degenerate brute. Arrested, he had shouted blasphemies, declared he was glad he had murdered the woman, that he would do it again if he had the chance. The man was Sullivan.

I went to the city prison to see him. Long before I entered the barred enclosure around the tiers of cells I could hear him yelling, raving, shouting oaths. He was walking up and down his cell. He was a hideous-looking sight, his eyes bloodshot, the hair matted over them, and his jaw covered with unshaven beard.

As soon as he saw me he stopped raving. He became quite calm. The prison keeper allowed Sullivan to pass out into the corridor to visit with me. We sat on a bench in an open space opposite the cells. I asked him how he he came to do it.

"She drove me mad," he said. "I kept on forgiving her time after time, and she grew steadily worse. Finally I decided to try it with her in the country. Perhaps away from temptation she would do better. I rented some land near Fresno with the idea of going into truck gardening. She refused to go without her boy. I went over to Oakland and stole the boy from his father and together we went down to the farm. It was all right for a few months, but one evening when I came home from town I saw a man leaving the cabin. I went in and found her dead drunk.

"In the morning when she was sober I told her we couldn't stay there any longer. Country people wouldn't put up with that sort of thing. I gave her some money and sent her back to the city. I remained, settled up my affairs and followed her in a day or two, still hoping that we might make a go of it. But she was off again. I tried to find her, drinking hard while I was searching for her. I finally found her in a saloon on the Barbary Coast, drinking with some men. I asked her to come home with me. And she laughed at me! She threw back her head and laughed at me, and went on drinking with the men. She said, 'Go on, you drunken bum!' She went on laughing at me. So I went out, and went up the street, and waited for her in a dark doorway, and when she came by I killed her."

We were sitting together on the bench while he said this, outside his cell in the corridor. He had got this far when two or three nicely dressed ladies came in, with some religious tracts that they were distributing to prisoners. One of them came up to us, and recognizing Sullivan from the story and pictures in the paper, she held out a tract to him, and said, "Poor man, aren't you sorry for the dreadful thing you've done?"

Sullivan rose from that bench like a wild beast. He yelled, "Sorry? No, I'm not sorry. I'm glad! I'm glad! I'm glad! If she came back to earth I'd kill her again! It's all over now but hanging me, and I want it done quick!"

It took five men to handle him and get him back into his cell again.

I went to the office and wrote the story, and in it I told what I knew of Sullivan's life, of how many times he had forgiven the woman, and tried again to make a decent life with her, of how many times he had failed, and still tried. It was a sympathetic story, and at that time, nearly thirty years ago, a sympathetic story about a murderer was practically unknown.

Sullivan made no attempt to escape hanging. He went into court and pleaded guilty, and asked only one thing of the judge, that there should be no delay. He was speedily hanged.

So when I came back to my interest in forsaken and suffering people, it was no new thing to me. It was rather a return of a train of thought never wholly forgotten, now brought strongly to the surface of my mind by my experience with Ruef and Lowrie. I became very much interested in prisoners, believing that they were only men like other men, who by some accident of fate had fallen upon harder lives than others.

The next few years were to alter considerably that point of view.

CHAPTER XXXVII

CHARLEY THE STAGE ROBBER

LOWRIE and I organized a little relief bureau in the Bulletin office. We aimed to help men who came out of prison. We did help many. We got positions for paroled men and for men who had done their time, and in that way I became acquainted with many of the desperate characters of California.

In the beginning, before I understood as much as I do now, I believed that the men in prison were just like the men out of prison, except that something had gone wrong in their affairs at some period of their lives. Some accident had overtaken them, and they had been caught. It still seems to me true that very few men out of prison have escaped doing something, at some time, that broke one of our many laws.

With other convicts, I felt that environment, drunken parents, or poverty, had caused them to drop out of line with the rest of us. I felt that they had had no opportunity to develop into what we call normal human beings.

It took a long time for me to learn differently, and I still am not sure just what it is that causes men to become professional criminals. But I am convinced that they are men who are in some way different from the rest of us. They see life from a different angle. There is something peculiar, some twist in their brains.

We can not see what it is, because men's brains are hidden by a cap of bone. We can not look into a man's mind and see what is happening there. We can see a club foot, for instance. We can see that a club-footed man is not normal; we do not expect him to walk like other men. But when a man has some abnormality in his brain we can not see that. We expect him to act like the rest of us, and, when he does not, we punish him. But that is because we do not understand. We do not punish a club-footed man because he does not walk normally.

For many years I have known criminals intimately, watched and studied them. Many of my first beliefs have been altered or destroyed in those years. Now I can only say I do not understand their motives, I do not know what makes them what they are. Until we do understand, I believe that we should withhold judgment, that we should be patient and try to understand.

The story of Charley comes to my mind.

I used to visit the prisons often and talk to the men. On one occasion I was shown into the hanging room of San Quentin by Warden Hoyle. A prisoner made a little talk to me, explaining the various trappings of death. He talked in a mechanical, sing-song way, as if he had made the speech many and many a time.

He started with the rope, which was tied to a heavy weight. He said this weight was kept at the end of the rope for a certain length of time to take all the elasticity out of it, so that when the man dropped through the trap the rope would not stretch. It would hold firm and crack his neck quickly.

He went from this rope to other features of the death process, explained the trap and how it was sprung by three men cutting three different cords, so that no one man knew that he had been the one to do it. His matter-of-fact manner made the death scene very vivid and terrible.

I was interested in him. He was an old man, very fine looking, erect, strong, notwithstanding his age—he was nearly seventy. I asked the warden who he was. He said: "That's Charley. He's in for life for murder. He was a stage robber, one of the most desperate men among the criminals of California. He's been here twenty-nine years."

I said, "My God, why isn't he paroled?"

Warden Hoyle replied: "I wish you could get him paroled. He's a fine character. I would trust him with a million dollars to go around the world with it, and I know that he would keep his word and return when he said he would with every dollar intact."

I talked with Lowrie about him, and it turned out that he and Lowrie were great friends. Lowrie was very eager to have him paroled. I found this was quite difficult to accomplish.

Charley and his partner had robbed a Nevada county stage in the late seventies. They had taken $15,000 from the strongbox. The money was owned by a banker, who was a passenger on the stage. When he saw the money in Charley's hand he could not control himself. He leaped from the stage and tried to grab this money. He threw his arms around Charley.

Charley's partner told him to stand back. The banker continued to struggle with Charley, and Charley's partner shot him dead.

This banker had been a prominent man in Nevada City and the whole country rose in pursuit of the two men. Feeling was very high. Charley and his partner fled with the money, bought a team of horses and an express wagon and got across the Santa Fe plains into New Mexico. They made their way to New Orleans, divided what was left of the money and parted, Charley going one way and his partner the other.

Charley went to a little town on the border line of Indiana and Ohio and went into business there. He bought a small lumber yard, worked hard and prospered. He became quite successful and was very popular. In fact, he was spoken of as a candidate for mayor of the town.

Meanwhile, of course, the Wells Fargo detectives had not ceased to hunt him. They had not been able to locate him, until his partner committed some other crime in St. Louis and was arrested. While under the influence of liquor in his cell he told his cellmate the story of himself and Charley, and the cellmate, hoping to get some of the reward, notified the officers.

Chief of Police Lees of San Francisco and Wells Fargo's chief detective went on to the little town in Indiana.

CHAPTER XXXVIII

CHARLEY MAKES HIS ESCAPE

CHIEF OF POLICE LEES and the Wells Fargo detectives came upon Charley without warning, in his little lumber yard in the Indiana town. He was sitting in the office with some of his friends, and they were discussing his coming election as mayor. The policemen entered and arrested him.

They loaded him down with forty pounds of iron, an Oregon boot and handcuffs, marched him to the little station, and brought him back to Nevada City for trial for murder. The partner was tried also, sentenced to death, and hanged. Charley escaped by one vote.

The juror who held out for life imprisonment was an old Confederate soldier, and it was the old sympathy between these comrades that saved his life. The jury finally came over to the one man and agreed upon a verdict of life imprisonment, and Charley was sentenced to San Quentin for the rest of his days.

He had not been there long before he began to plan an escape.

At that time, while there was terrible cruelty in San Quentin, and horrible punishments were inflicted, the prison was loosely run. Prisoners were not compelled to wear a complete suit of stripes, only trousers. They might wear any kind of shirts, coats or hats that they had or could obtain. They were also allowed to have on their persons whatever money they brought in with them, or could get after they were locked up. Charley had about $165.

He noticed that a prisoner drove a cart out of the prison grounds down to San Quentin Point two or three times a day. He also observed that when it was raining there was a tarpaulin over the cart, and by watching he found that the man at the gate looked under the tarpaulin about once in every four times the wagon passed him.

Charley figured that if the driver of the wagon were a friend of his, he would have three chances to one of making his escape when it rained. Charley did not know the man who drove the cart, but he found in the prison a man who wanted to escape and was willing to take a chance.

Charley unfolded his plan to this man, and said, "If you could get the job of driving the cart when the winter season begins, we could make it."

His friend said, "That's easy." Immediately he began work on a beautiful inlaid cribbage board. When it was finished he presented it to Director Filcher. Filcher was delighted and said, "I'll make my wife a Christmas present of this. Is there anything I can do for you?"

"Well—yes."

"What is it?"

"I'd like to have the job of driving the cart."

"Sure!" said Filcher. "I'll get it for you in fifteen minutes."

It was done. Then Charley got an extra pair of striped trousers, took them to the tannery and had them dyed. He put them on under his striped trousers and wore them constantly. His partner had only striped trousers, but he wore high boots, and had a raincoat that came to the top of his boots. Charley said, "Now all we have to do is to wait for a rainy day."

The rainy day came. It rained nearly all winter. The state was flooded. The first day that it rained heavily, Charley told his partner that they would make their attempt that day. At the proper moment, he crawled under the tarpaulin, and they started. On the way the driver said, "I'll have to stop at the commissary office. They may have something to take down to the Point."

"My God!" said Charley from under the tarpaulin. "Why didn't you tell me that? We're caught."

"Well, maybe they won't have anything."

Charley lay hidden in the cart while the driver went into the office. The commissary did not have anything to send to the Point. The driver went on toward the Point. As they approached, he saw a guard, and reported this to Charley. Charley was directing the escape from under the tarpaulin. He said, "Make a detour. Drive over to Mrs. Mahoney's and ask her if she doesn't want some coal."

Mrs. Mahoney did not want any coal. Her suspicions were aroused immediately. She said, "No, I don't want any coal, and you know very well I don't want any coal."

By this time the guard had disappeared, and Charley whispered, "Drive on to the Point."

When they reached it, they both jumped out and disappeared around the Point and along the bay shore, toward San Rafael. They broke quickly into a barley field, wandered into some deep ditches, and covered themselves with barley and straw. Within an hour they heard the guards on the hills.

The guards were out with guns, combing the country.

Charley and his partner heard them coming and going all day, while they lay hid. When night came they slipped out, and made their way along the coast line of the bay in the darkness. It was raining hard. They walked several miles, until dawn, when they hid again and remained hidden all day.

They continued this for several days and nights, in the rain, without food. They became desperately hungry, and one evening about 6 o'clock Charley made an attempt to get some food. He walked toward a little cottage. A woman was standing in the door, calling her husband to supper. Charley could smell the hot food, and through the window he saw the table spread. It drove him frantic, but he did not dare go nearer, for he knew that by this time the whole state was placarded with notices of a reward. The desperate Charley was at large, the most dangerous man ever known in California.

He lay hidden until the husband went in to supper. Then he crept to the chicken house, grabbed two chickens by the neck without letting them make a sound, wrung their necks and carried them off. His partner had found a few potatoes in a garden, and together they went away with the chickens and potatoes. In the brush they found an old tin can, built a fire, and boiled the food.

Charley was so hungry that he drank from the can. There was a scum on it, and he became deathly sick, with terrible pains. He probably had ptomaine poisoning. His partner, seeing his agony, said, "Well, Charley, I guess we better go into San Rafael and give ourselves up."

Charley was able to say, "Give ourselves up, HELL!"

"What can we do?" said the partner.

"Die in the brush, of course."

All night and all the next day he was desperately ill. The next night he was able to go on. He had now eaten nothing for almost a week. They made their way to Benicia, stole a boat and crossed to Port Costa. Here they hid in the railroad yard among the freight cars. In their wanderings, his partner had lost one of his boots in the mud, and the stripes on one trouser leg showed beneath his coat. About 9 o'clock Charley walked up into the little town of Port Costa and went into a little shop, run by a woman.

There were several men standing around the stove, discussing the escape of Charley. He walked bravely up to the counter and said, "I want a pair of 28 overalls and a pair of number 8 shoes." The woman eyed him suspiciously and said, "You don't wear 28 overalls."

CHAPTER XXXIX

CHARLEY'S ROMANCE

THE men in the little store had stopped talking and were looking at Charley. When the woman said, "You don't wear 28 overalls," he thought that everything was ended for him.

However, he flipped a $20 gold piece on the counter and said coolly, "I don't know, but my sheep herder does."

His manner and the show of gold quieted the woman's suspicions, and she sold him the shoes and the overalls. He also bought some cigars and lighted one before he left the shop. In another place he bought a flask of brandy and some food and then went back to his partner in the freight car. Charley took one swallow of the brandy. His stomach settled at once, the last of the ptomaine symptoms disappeared, and he was able to eat heartily.

They took the midnight train to Sacramento, one getting on at one end of the smoker and the other at the other end. Charley sat with a passenger. They began to talk, and before they got to Sacramento became good friends. The passenger invited Charley to his house in Sacramento to spend the night. Charley said, "No, my wife will be at the station to meet me."

Arriving at Sacramento, he rejoined his partner and went to a saloon, bought a couple of drinks, and looked at all the papers of the last few days to see whether or not the detectives were on their trail. They found they were not. Then Charley bought a pistol, a .44, and some cartridges. The partner said, "Let's go out and get a decent meal, Charley, for once."

In telling the tale, Charley said, "In a weak moment I consented. We went into a restaurant on K street. No sooner were we seated than two policemen walked in, stepped up to the counter and lighted their cigars, and stood there talking.

"I got my .44 and laid it on my knee under the edge of the table and kept it there. The policemen walked out. When we finished our meal we went out and walked toward the railroad yard. On the way I saw a policeman following us. I drew my gun, hid it under my coat and turned and said to him, "Are you following us?" The officer said, "Where are you going?"

"I said, 'We are going home'." The officer walked away. "That man never knew how close he came to Kingdom Come."

The two went on to the American river and located themselves in an old hut in a deserted vineyard. They lived there all winter, going over to a little town occasionally, pretending to be wood-choppers, and buying such food as they needed. In the spring they boarded a freight car, made their way to New Mexico and from there to Chicago, where they separated.

Charley went to work, saved his money, and finally went into business. He accumulated $800 in money, and bought a gold watch and chain. He was doing well.

In the family where he boarded there were two sisters. One of them Charley fell in love with, and she with him. She was a good girl, and pretty. They became engaged to be married. Charley was prospering. He was going to build a little home and settle down. They picked out a lot, and Charley bought it.

Then his partner was caught in a robbery, and in order to save his credits in San Quentin he confessed to where Charley was, and Wells Fargo detectives arrested him.

Up to this time Charley's girl did not know that he was a fugitive, but as soon as he was arrested he sent for her. She came to the city prison, and there Charley gave her the lot, the $800 in money and the gold watch and chain. He told her what he was, that he had to spend the rest of his days in San Quentin.

The officers brought him back to the prison, and when I saw him he had been there twenty-nine years.

When I undertook to get him paroled, I found it necessary to get some signatures in Nevada City, the district attorney and others. There was still a great deal of feeling against him. It was most difficult to get the signatures, but finally I managed to prevail upon them to sign, and Governor Johnson, as a Christmas present to me, paroled Charley.

The day he came out of prison he dined with Mrs. Older and me at the Fairmont, and in our rooms after dinner he told us the story of his escape. I asked him about the girl in Chicago, what had become of her.

He said that she had corresponded with him for eleven years, but that finally he had written her and told her that some day she might want to marry some good man, and that if he learned of this correspondence it might cause trouble. So he had advised her to stop writing.

"That," said Charley, "was eighteen years ago, and since that time until you came into my life, I have never heard from a living human being."

I said, "Were you very much interested in the girl?"

"Yes; we intended to marry. I think I've got her picture here with me now." He put his hand down in his inside pocket and drew out a photograph.

He thought he had it! He knew he had it. It was the only thing he did have, the only thing he had brought with him out of prison. It was the picture of a gentle, sweet-looking girl.

He looked at it for some time, and mused, more to himself than to us, "Of course she doesn't look like that now. She's probably an old woman now. That was thirty years ago. I wish I knew what has become of her."

Mrs. Older and I had taken up our residence on a ranch in Santa Clara county, in the foothills near Saratoga. It comprised 200 acres. It was a fruit ranch, and there was a great deal of work to be done upon it. It served a good purpose, because I could take men from prison down there and help them to regain their foothold. I made Charley foreman of this ranch.

He was 71, but one of the strongest men I ever saw. He plowed from daylight to dark, never seeming to tire. He ran everything connected with the ranch, made all the purchases, paid all the bills. He was perhaps one of the most exacting men in the way of honesty that I ever encountered.

There was a young man working on the ranch, not a prisoner, just an ordinary citizen, whom Charley soon discovered was what he called a petty pilferer. He had no use for that young man.

"That kind of a fellow," he said, "would get a whole neighborhood in trouble. He'd steal a whip, or a buggy robe, or some little thing." His contempt was indescribable. "If he'd go out and get some big money, I wouldn't mind it so much, but he's just a petty thief," he said with scorn. "They're the curse of the earth."

Charley and I were living in a tent at this time, and I had a community box of cigars there; that is, I told Charley they were as much his as mine, and to smoke them whenever he wanted to. He was working up on the hill one day, and he saw this young man smoking a cigar down in front of the tent. He knew that it had come from this box.

He said that he thought of a necklace that Mrs. Older had left on the table Sunday evening before she went to San Francisco. He had put it in a bureau drawer under some clothing, and when he saw the young man smoking that cigar he thought of the necklace. He rushed down to the tent, went in and opened the bureau drawer, and the necklace was there.

"It was a good thing it was," said Charley, "because if it hadn't been, I would have taken an iron bar and got it."

Whatever we may wish to believe, the criminal has a different psychology from the rest of us. His motive may be the best in the world, but his mental reactions are not what we call normal.

As my acquaintance with these men grew, I observed many puzzling things.

CHAPTER XL

THE GOING OUT DINNER TO CHARLEY

THERE was another stage robber of a similar type to Charley, also in San Quentin, sentenced to life—Buck English. He was a great friend of Charley, and also of Lowrie, and through them I became interested in Buck, and finally succeeded in getting him paroled. He, too, went straight as long as he lived.

After he came out he told me much about Charley, for one thing, the story of the going-out dinner that the prisoners gave when Charley was paroled.

Buck English and Lowrie were roommates in the prison. They had a room with a bathroom, had accumulated a good library, and were very comfortable together. The reason that Buck was allowed to occupy this room was that he was not locked up at night. He was in charge of the electric lights, and, as they might go out at any time, it was necessary that he be able to attend to them.

So when Buck heard that Charley was going out, he was in a position to celebrate the great occasion. He got together his friends among the prisoners, and it was decided to give Charley a farewell dinner. Each prisoner was detailed to get some portion of the feast by stealth from the prison kitchen; one man the roast beef, another the potatoes, another the soup meat, another the vegetables, another the pies, another the cigars. Buck said, "I'll provide the drinks."

Having access to the kitchen at night, he took several pounds of dried apricots to his room, boiled them, squeezed them and bottled the juice. In some way he got hold of some hops and put them in, with other things that I have forgotten. After the job was done he corked the bottles, tied string around the corks to hold them in, as is done with champagne, and put them away for the great event.

The night before Charley was to go out the guests assembled quietly in Buck's room. At midnight, when all the prison was asleep, the feast began.

"It was some dinner!" said Buck in relating it. "We opened up with soup, wound up with dessert, black coffee and cigars. Then I stepped into the closet and brought in the bottles and cut the cord. The corks hit the ceiling. Then I poured our glasses full and served the drinks."

Standing, they gave Charley a toast, and the more eloquent among them made suitable speeches. It was a great occasion, still remembered in the prison.

"Charley sat back then, lighted his cigar, and with the influence of the apricot wine or brandy, or whatever it was, he glowed and talked," said Buck, "more interestingly and fluently than he had talked in the twenty-nine years. He told the story of his life, and of his different escapades. It was a great evening.

"The old man had never talked much in all the years, but now he opened up. He told one story that might interest you.

"He had held up a stage in the Sierra Nevada Mountains and was in hiding until the trouble blew over. Making his way through the mountains, he came across a cabin where the man was sick in bed. There was a wife and several children without money and without food.

"So Charley went down in the night to a nearby town, stole a team, broke into a warehouse and loaded the wagon up with all kinds of food, bacon, ham, flour, sugar, coffee, and such other things as he thought they would need. He took some calico for dresses, and some ribbons for the children. He drove up with these things to the famishing family.

"In telling the story, he said that he felt they now had everything but money. He was thinking this, when a Chinese vegetable wagon came along, and the peddler displayed $40 or $50 in gold. When he had gone on, Charley went down a short cut through a gulch, intercepted the Chinaman, held him up, took the money and carried it back to the family. He now felt that they were well provided for, and he could leave, so he went on his way through the mountains."

I tried frequently to find what started Charley off wrong. He was not very clear himself on the subject, except that when he was a young man he enlisted in the Confederate Army and became a member of the famous Quantrelle Brigade. Quantrelle headed quite a large body of very carefully selected men, good shots, good horsemen, keen, quick and ready for anything that came along.

They were marauders, carrying off whatever they needed for themselves or for other troops. Charley liked the life, so when the war was ended he went right on with it single-handed. He came West in '65 and became a stage robber.

He was a man of violent temper, but with great strength of character, and if he had been able to control his roving disposition he might well have become a king of finance. He certainly had the ability. As it was, I should say that of his long life fully two-thirds was spent in prison or as a fugitive from justice. He must have spent nearly forty years in San Quentin prison.

Buck English joined Charley at our ranch. Their friendship was very deep, but Buck was taken ill, and I had him sent to the relief home, where he could have the care he needed. He was there for a year before he died. Charley visited him every Sunday regularly and carried him something nice to eat, whatever delicacy he thought Buck would like.

A short time before Buck's death, when Charley was with him, he said, "Charley, I am going over the hill."

"Well, what of it, Buck? That's nothing. Death is only a leap into the dark. Why regret it?"

"I don't," said Buck. "I don't care anything about that, Charley. But I owe you $80, and I would like to get well and work long enough to get the money and pay you back. I don't like to go out without doing that."

Charley took Buck's hand and said, "Buck, you know damn well you don't owe me a cent. Forget it."

Buck smiled and seemed happy. A day or two later he died. On the day of the funeral Charley appeared in my office with his best suit on and a rose in his button-hole. "Everything is arranged, Mr. Older. Buck will have as good a funeral as any man ever had. I've taken care of that. The services are up at the undertaker's at 10 o'clock."

"It's 10 now," I said.

"I know," he said. "I know. I want to be a little late. Some of Buck's friends have stuck a preacher in, and I can't stand preachers, so I'm going to hang around outside till he's through."

Charley saved his money and prospered. He grew too old for farm work, but I got him some work in San Francisco that he could do, and he continued to save money, to live frugally and do well. After he left the ranch he still had a very kindly interest in our affairs, and was very strict as to what kind of prisoners we allowed to come there. He had a stern social code.

While he was still at the ranch I brought down a Mexican who had just come out of the penitentiary. He was what Charley regarded as a petty larceny thief. Mrs. Older and I had moved up the hill into the new house, and Charley had refused to take his meals with us there. He said the new house was too stylish for him, and he preferred to cook for himself down in the cabin. After the Mexican came, however, he appeared at our house for dinner.

We were surprised, and asked him why he had changed his mind. He said, "Well, you know I can't eat with that Mexican. He's a low-down thief; he's not in my class. You know, over in San Quentin there are just as many classes as there are outside, and more, too. I can't associate with a fellow like that."

So after he moved to the city he still endeavored to care for the social standing of our guests, and in this connection some interesting incidents occurred.

CHAPTER XLI

THE QUEERNESS OF FRITZ

AFTER Charley came to the city and went to work in his new position, a burglar who was living with me came to the city one Sunday for a little recreation.

During the day he got to drinking, and that evening he went to Charley's room to call on him. Because he was drinking, he probably was more talkative than he would otherwise have been. He told Charley that he had just robbed a woman of the underworld of six dollars.

Charley said, "Where are you going tonight?"

"Back to Older's ranch."

Charley was in bed. He sat up, and said, "Don't you DARE! Don't you dare go to Older's ranch with stolen money in your pockets. You come with me." Charley leaped out of bed, dressed himself and made the burglar go with him to the woman and give back the money. Then, with a warning, he allowed the burglar to come back to our place.

Ordinarily, Charley was quite sympathetic with ex-prisoners; that is, if they were of his class, had never been stool pigeons, and had played the game according to his code of how it should be played. He loved Lowrie, Buck English and Jack Black. There was nothing he would not do for them. Loyalty was very strong in him, and a kind of character that held him sternly to his own code of morality. The difference was that his code was not the code of ordinary men.

In San Francisco he was highly regarded by everyone who knew him. Finally, Governor Johnson pardoned him and he again became a citizen and a voter. He never let it be known who he was, he kept his history secret from all his new friends. More than a year ago he located in Texas and the last I heard from him he was well and happy.

During my acquaintance with Charley a number of things had vaguely disturbed my belief that men in prisons are just the same as men outside. But it was perhaps Fritz Bauer who was first to shake that belief deeply. Fritz certainly was not like normal men.

He was a big, fine, well built German, about 30 years old, apparently a perfect specimen of a man. He came to my office after having been out of prison for a few days. He was hungry, not having had any food for two days, and he wanted to go to my ranch.

I told him that I had no place for him there, but he was so insistent that I said I would take him down anyway and let him work on the ranch roads, that I would give him $30 a month and board, although I really had all the help that I could afford.

He was very glad to go. The first month he behaved so well that Mrs. Older felt that he was a really normal human being. There did not seem to be the slightest kink in his mental makeup. I said, "We can't be sure until the first pay day. Let's see how he acts when he gets his money.

On Saturday night I paid him $28. He had drawn $2 in advance. I said to Mrs. Older, "Now, we'll see if anything happens."

Fritz was all right on Sunday, amused himself about the ranch. On Monday night when I came down he was acting queerly—sullen and sulky, avoiding looking at me. I asked him what was the matter, and he said, "Nothing."

The next morning he didn't come up to breakfast. I asked the ex-prisoner who usually came up with him, "Where's Fritz?"

He said, tapping his forehead, "Brain storm."

I went down to the farmhouse, found Fritz and asked him, "What's the matter, Fritz?"

"Nothing."

"Oh, yes there is. Has anyone hurt your feelings or wounded you in any way?"

"No."

"Well, why don't you go up to breakfast, and go on with your work as usual? Of course, if you don't want to stay, I don't want you. You're free to go; I'm not getting any advantage out of your being here. But why don't you stay and have another month's pay? Then you'll have $58, instead of $28. You know you were near starvation when I met you, and another month will put you just that much farther away from a similar situation."

He would not answer. I urged him again to tell me what the matter was, if anything had happened that he didn't like. He finally said, "Well, I boiled up."

I didn't understand what he meant, and he made no further explanation. However, he stayed at the ranch, and next day was eating as usual. The following Sunday Jack Black came down to visit us, and when Fritz saw Jack, his face lighted up. He knew that Jack would understand. He said, "Jack, you know, I boiled up. You know. Don't you understand?"

"Yes," said Jack. "I understand."

Later, Jack explained to me that men in prison frequently get into a state of mind where they will not talk to anyone for a week or more, and sometimes will not eat. Jack did not know what happened to them, but he knew that it was a common occurrence.

Fritz stuck it out for twenty days and then quit. I brought him to the city with me and paid him. A few days later, a policeman rang me up and asked me if Fritz Bauer had ever worked at my ranch. I said, "Yes; why?"

"Well, we think he stole a suit of clothes from a ship."

Fritz was a sailor and had been down to the waterfront. Being an ex-convict, of course, he had been suspected when the theft was discovered. He may have been guilty. I don't know. At any rate, I got him out of the scrape. Later he was arrested again, and I got him out again.

He met Jack Black one day in front of the Bulletin office and said, "The big fellow may have to get me out again," and Jack said, "You keep this up, Fritz, and the first thing you know the big fellow will stop getting you out. Then you know what will happen. You'll get twenty years when he gives you up."

Later I got Fritz a job as a sailor on a sailing vessel, and he seemed quite pleased. This seemed to be the thing he needed. Months afterward, he came up from Central America and brought us a parrot, which showed that in his muddled head and through all his boilings-up, he remembered the kindness we had shown him. Later in his voyages he sent postal cards to Mrs. Older and me, always remembering us on Christmas day.

I don't know what became of him. I am still puzzled as to why he acted as he did. He had a comfortable place on the ranch; he had all the chance that Charley had to save money and to make his way in the world; he certainly hated prison, and had no desire to be hungry and cold and friendless. Nor was there anything vicious about him. There seemed simply to be a flaw, something lacking, in his mind. If we only knew what it was, we might have better knowledge of how to treat men who violate the law.

George was another ex-prisoner who increased my doubt of getting very far in determining why men break the penal code and seem unable to keep pace with the rest of us. An old cellmate of George's interested me in his case. He insisted that George was 100 per cent right.

"I know him," he said. "I lived in the same cell with him for three years, and we never had a cross word. A loving husband and wife could hardly pass that test, locked up together for three years in an eight by ten space. They would probably quarrel some. George and I never did. He is absolutely all right—100 per cent."

I secured a parole for George and he came to the ranch to work.

CHAPTER XLII

THE STORY OF GEORGE

GEORGE was about 40 years old. He had a fine face, mild blue eyes, a gentle, kindly manner. He loved little children, and his sympathies for suffering people were very keen. He had never drunk liquor or used tobacco. Yet he was a burglar and had served four terms in the penitentiary.

Mrs. Older was puzzled "Here's one of your prisoners that I can't make out," she said. "That is, I can't understand how he ever did anything that would get him into prison."

The children at the ranch were very fond of George. They did not know that he had been in prison. We thought it best for them not to know. It might prejudice them, and they might thoughtlessly tell the neighbors. George was very sensitive about his past life.

One evening Mrs. Older and I returned from the city. We asked the children how they had amused themselves while we were away.

"Oh, we had such a good time!" they said. "George showed us such wonderful secrets!"

"What secrets?" we asked, full of curiosity.

"He took us up into the forest and showed us a beautiful little waterfall that he had built. He called it his 'little Yosemite.' Then he showed us where he had planted a peach tree and an almond tree in the woods, and he told us lovely names he has for the trees and the little hollows. He told us not to tell anyone because those are his secrets. He goes there all by himself to look at them, and nobody knows. We promised him we wouldn't tell, but we know you won't tell if we tell you."

The wild animals on the ranch all seemed to love George, and had no fear of him. The beautiful bushtailed tree squirrels came to him when he gave a certain rap on the base of their favorite tree. He always carried nuts in his pockets for them. Nothing wild was afraid of him, and all the domestic animals loved him. The cows and the pigs came to him whenever they could, and he petted them and stroked their backs.

One evening, as I was returning from the city Mrs. Older met me on the road. She was very much excited. Her hands were trembling.

"George has turned queer," she said. "You know you told me to tell him to turn the calf into the pasture; you said I had kept it in the pen too long and it was time for it to learn to eat grass. I told George what you said, and he refused to do it. I urged that you wanted it done.

"George said, 'I know he wants it done, but I won't do it for him or for anyone else. The calf might eat too much grass, take sick and die.' He absolutely refused to obey me."

I asked Mrs. Older not to be perturbed, to let George have his way.

The cellmate who had said that George was 100 per cent right came to visit us, and one evening after dinner, as he was going down to the farmhouse to see George, I decided to let him discover for himself George's queerness. I did not want his mind to be influenced by any prejudiced word from me.

The pump was run by electricity, and forced the water up to the top of the hill above our house. It furnished our house supply, and we used a great deal of it for watering the flowers. Starting it involved no work, just pushing in the switch.

Next morning the ex-cellmate came to me and said, "Mr. Older, George is 90 per cent wrong. I asked him to start the pump. He said he wouldn't do it.

" 'Mr. Older wants you to start it.'

" 'I don't care if he does. I won't.'

" 'Why not?'

" 'Because they're using too much water on the hill. They're using too much on the flowers. Besides, they will wear out the pump.'

" 'That's none of your business,' I said. 'They wouldn't live here without some flowers and if the pump wears out they will buy another one.'

"George said, 'I won't do what's wrong for Mr. Older or anyone else. Supposing he were to order me to kill Frank, the horse. Do you suppose I would do it? Of course not.'

" 'I would,' I said. 'I wouldn't care what his reason was. He might want to stuff the hide and put it in a museum. I'd burn his house if he asked me to. There isn't anything I wouldn't do for him.'

"George said, 'I won't start the pump.' That was his final answer. "I tell you," said his old cellmate, "George is off his head."

George stayed on until he expressed a desire to leave. When he left I got him a job in the city. Finally, he decided to go East. He came down to the ranch to say good-by to us and his wild animal friends and to leave with us Bessie, his beloved dog.

He was very sad. He rapped on the tree and no squirrels came. They had all been shot by thoughtless boys. His chipmunks, grown older, did not come at his call. He visited his "little Yosemite" and his secret places in the forest. As we drove away from the ranch, his dog was sobbing on the hilltop and looking lovingly after him.

He is in the East now, and every Christmas comes a box. Everyone is remembered, everyone he ever met at the ranch, and Bessie, his dog. Her present is usually a box of chocolates, of which she is very fond. Bessie never seems to be her old self since George left.

I am sure the penitentiary never reached George's trouble. It is beyond us all, and until we know why he is so different from the rest of us, the best we can do is to be kind to him.

CHAPTER XLIII

TIM O'GRADY

THERE were other characters as baffling as George. Tim O'Grady was one of them.

Tim walked into my room in the Bulletin office one morning early. A linnet was perched on his shoulder.

"I'm just from Quentin, Mr. Older, and I brought my little friend with me. Of course I know I can't keep the bird now that I am out. I didn't like to leave him in the prison, and so I said to myself I'll give him to Mr. Older. Perhaps his wife will like him. So here he is."

The bird hopped from Tim's shoulder to my desk and chirped gaily.

"He's been a great comfort to me," said Tim. "The only friend I had in the world. I raised him from the nest, and trained him. When I left the cell in the morning, the bird flew away over the wall and played all day with other birds, but as soon as the bell rang for the lockup he'd fly in and light on my shoulder and go to the cell with me.

"Take him to your home, Mr. Older. I'm sure Mrs. Older will take good care of him."

Tim was a thief and had been in San Quentin twice. Not at all a bad fellow. Kindly, full of fun and mischievous. For his pranks in prison he had spent a lot of time in the dungeon and in the "sash and blind," the old house of torture that Governor Johnson abolished.

"What are you going to do, Tim? Have you a trade?" I asked.

"Yes," he replied. "I am a good waiter, and I guess I can get a job all right. I'll go out now and hunt one and leave the bird with you."

I sent out and bought a cage and put the bird in it with water and food, and left it on my desk. It remained there over night. That evening I told the story to Mrs. Older and she urged me to bring it home. When I entered my office in the morning I was startled to find the cage empty. I thought some one in the office had stolen it. But in a few minutes Tim entered, smiling, with the bird on his shoulder.

"I was lonesome last night, Mr. Older, and hated to go to bed alone, and so I came into your room after you had gone and took him with me to my room. But I won't do it again. You take him home with you and then I can't."

"How about the job, Tim?" I asked. "You must get work, you know. If you don't you'll be tempted and the first thing you know you'll be back in jail."

Tim assured me that nothing of that kind would ever happen again. He was through with stealing forever.

Mrs. Older was delighted with the bird. "Little Tim," she called him. We soon grew very fond of him. He sang two or three beautiful little songs and flew from her shoulder to mine in the happiest way. At night he made his bed in a geranium pot.

Meanwhile Tim disappeared. One morning I saw in one of the papers that he had been arrested for attempted theft. I told Mrs. Older that evening that Tim was in jail. While she had never seen him her sympathy went out to him because of his bird. She looked over at Little Tim, through her tears, and said, "Poor Little Tim, your father is in jail." Then she turned to me and said, "You must get him out."

The following day I called on Chief White and told him Tim's story and the story of the bird. He sent an officer for Tim. He was brought into the chief's room in handcuffs.

"Take off those handcuffs," said the chief to the officer. "Now, Tim, sit down. You are with friends who want to help you. I'll get you a good job in a work camp in the mountains and will pay your way up there. You may go tonight. Try to make good, Tim," said the kindly chief, "and I'll do everything I can for you."

Tim was strong with promises, and no doubt he meant them at the time.

"Chief," he said, with tears streaming down his cheeks. "I'll never steal again, so help me God."

There were tears in the chief's eyes, too, as he sent for an officer to take Tim back to the city prison.

"Let me go back to the jail alone, chief. PLEASE do. Let me go on my honor. I want to show you I can be square."

The chief dismissed the officer who had come to take him, and Tim started down the corridor alone, with his head high and his chest out. He went up in the elevator and gave himself up at the prison.

That afternoon he was free and on his way to his new job in the mountains.

I took the good news home to Mrs. Older. My first words were when I entered her room, "Tim is out."

"So is Little Tim," she said. "He flew out the window an hour ago. I am sorry to lose him, but I am glad he is free. He'll join the other linnets and make his way."

Tim held his job for a few weeks, but finally quarreled with the Chinese cook and had to quit. He returned to the city. I saw him a few times, and then he disappeared.

A few weeks later I received a postal card from him sent from a little town in Iowa. "Kind regards to you, Mr. Older, and thanks for your help. Love to Donald Lowrie. I shall be here for about four weeks. Yours, Tim."

I showed the card to Lowrie. He smiled and said, "He'll be there four weeks. To me that sounds like 'thirty days'."

Lowrie was right. Tim had taken to stealing again. Later we heard from him from other jails, and if he is alive is probably in one now. He just can't keep step with the rest of us.

CHAPTER XLIV

CHARLES AUGUSTUS BOGGS

ONE evening about dinner time, Boggs suddenly stepped out of the darkness into our kitchen at the ranch. Mrs. Older and I were away, and Lowrie and George were in charge. The boys recognized Boggs at once as an ex-prisoner. They knew him by the cut of his suit of prison made clothes and the squeak of his prison brogans.

"I have walked over from San Jose," said Boggs. "I haven't had anything to eat in three days. I know Older will give me a meal and put me up for the night."

"Sure he will," said Lowrie. "He isn't here, but George and I will cook a dinner for you."

The boys started a fire in the cook stove, and began preparing the potatoes.

"By trade I am a cook," said Boggs. "Let me get the dinner."

Lowrie and George stepped aside and Boggs soon had a fine dinner under way. He ate ravenously, proving at least that he was very hungry.

When the dishes were washed and the kitchen swept, Mrs. Older arrived from the city. Lowrie presented Boggs to her as a starving man they had just fed.

Mrs. Older asked them to give him a room at the farm house, and they went away together.

In the morning, after breakfast, Boggs insisted to Mrs. Older that he wanted to do some work to pay for the two meals.

"What can you do?" Mrs. Older asked.

"By trade," said Boggs, "I am a locomotive engineer."

There being no locomotives on the ranch, Mrs. Older was puzzled. "I have only gardening work here," she said.

"I am a professional gardener," said Boggs.

Doubting, but curiously interested in this new type of "nut," she said, "Very well, I want some flower beds made." She pointed out the spot.

Boggs seized a spade and Mrs. Older left him at work and went about her own affairs. Later he asked if she wanted the flower beds in the form of stars or heart-shaped. She looked down at the garden and saw that he was making both designs, and executing them beautifully. For the first time, she realized that he had done landscape gardening in prisons.

She told him she wanted just the ordinary flower beds, and he quickly transformed them to suit her taste. He was wonderfully skillful, and when I returned from the city that evening Mrs. Older excitedly related to me the story of Boggs and admiringly pointed out the work he had done. He was undoubtedly a genius gone wrong. She was glad to employ him permanently at good wages.

A few days later as I was motoring home, George, excited, stopped me at the barn.

"The yearling steer has broken his leg. What are we to do?" said George.

Knowing no answer, I made none, but drove on up the hill to the house. I met Boggs coming down. I told him my trouble. He was smilingly calm. "Don't worry, Mr. Older. By trade I am a butcher. I'll take care of the steer."

An hour or two later he showed me the carcass, hung on a tree, dressed as might be for a Christmas stall in a city market.

"If we leave it here over night, Boggs," I said, "the coyotes will get it. We would better hitch up the team and haul it to the farm house." The farm house was two hundred yards distant.

"It will not be necessary," said Boggs, buoyantly. "I am a trained athlete; been in the professional game for years."

The steer weighed 240 pounds. Boggs, 5 feet 6 in height, swung it lightly on to his back and trotted away with it.

The plumbing in the house went wrong. The nearest plumber was four miles away. We consulted Boggs.

"Don't distress yourselves," he said cheerily; "by trade I am a plumber."

He did the work easily, skillfully and quickly.

When the first rain came water in torrents poured down the hill, threatening the very foundations of the house. Frightened, we summoned Boggs.

"I have specialized in cement work." In a day he had made a long cement drain at the back of the house, which carried away the water. It is still in operation and in perfect condition.

The paint in the dining room needed retouching. It was a delicate shade of gray. Mrs. Older approached Boggs. There was genuine doubt in the tone of her voice.

"Mr. Boggs, you don't happen to know anything about painting, do you?"

"Four years' experience as an interior house painter and decorator," he said.

Boggs mixed the paint, caught the shade exactly and painted the dining room.

One of the cows was taken ill. Boggs was called in.

"Yes; I am a veterinary," he said. "I'll treat the cow." He did. She was well in three days. He built culverts for the road, criticised the plowman's work and gave valuable hints to the men who were pruning the orchards.

Late Christmas Eve we heard Friend, the dog, barking violently on the porch. He barked so earnestly that we thought there must be some one in front of the house. There was. When we went out in the morning we saw stretched across the front of the house the words "Merry Christmas." They were done in red toyone berries, surrounded by garlands of leaves gathered from the hillsides. Boggs had done it.

We were delighted, thanked him for the surprise and complimented him on his skill in lettering.

"It comes easy to me," he said. "I am a woodcarver by trade."

Of course, we wanted Boggs to stay with us forever and ever, but we were sure he wouldn't. He had been with us nearly two months, when he suddenly told Mrs. Older that he never stayed anywhere more than two months.

"Why not remain with us?" she urged. "We like you, and will pay you well. You could save some money."

"No," he said. "I feel I must go. I came up here to get away from pursuing women. I thought if I grew a full beard, perhaps I wouldn't be so attractive and they would let me alone. My beard is grown now, so I'll leave when my month is up."

We paid him, and parted with him sorrowfully.

Two weeks later little Mary, a member of our household, was reading a San Jose paper. She suddenly looked up, startled.

"Mrs. Older, was Mr. Boggs' first name Charles Augustus?"

"Yes; why?"

"He's in jail," said Mary.

Boggs had attached himself to a matrimonial bureau in San Jose in the role of a professional husband. He had married a young woman with intent to swindle her out of a sum of money. He got out of the scrape, but did not return to the ranch. He was evidently ashamed of what he had done. A few weeks later he called on me at the Bulletin office and wanted to come back. In fact, he agreed to go down with me that afternoon. But he did not appear. There were two ex-burglars with us at that time, and Boggs, I reasoned, feared to face them, knowing that his was a kind of crime that even burglars would not forgive.

Some time later he wrote me from Lodi. He was in jail on a serious charge. He asked me to help him. But his was a case this time in which no one could help him. I wrote him and told him so. I have not heard from him since. No doubt he is now doing time in some prison.

Boggs was one of the most useful men I have ever known. He could do so many things that are necessary to be done, and could do them well. He said he had been a woman's dressmaker and had taken prizes for his skill. He had given us such proof of his ability in so many ways that we were inclined to believe that he could even make women's dresses.

Boggs has the misfortune to have some twist in his mental processes that he is in no way responsible for. Whatever the twist is, it is as yet far out of the reach and beyond the knowledge of science. Being abnormal, he does abnormal things, is judged by the standards of normal men, condemned and sent to prison to be corrected and made better by a stupid form of punishment. In fact, a sick man is subjected to a treatment that would make a sound man ill.

Thus, in this cruel way, the human race slowly gropes toward the light.

CHAPTER XLV

PEDRO

PEDRO had the soul of a poet and the habits of a sybarite. His eyes were large, dark and languorous. His skin was olive, his features regular, his figure perfect. He dressed in excellent taste and simulated the air and manner of a young man of wealth and leisure. He was 26 years of age when I met him in my office eight years ago.

"I live in Los Angeles, Mr. Older," Pedro began. "On the train coming north, I met a young man who is a very dear friend of mine. He was in great trouble, and wholly trusting me, he told me his story. Two years ago he forged a check, for a small sum, was caught, tried, convicted and sentenced to five years in the Colorado pentitentiary. His conduct in prison was excellent. His youth and good behavior appealed to the kindly warden, who paroled him after he had served one year of his sentence. He was allowed to return to Los Angeles, where his father and mother lived. They did not know he had been in prison, and he determined they never should know. He got a job in a laundry and was earning $75 a month. In a short time, a deputy sheriff in Los Angeles who knew he had been in prison and was out on parole called on him and threatened him with exposure if he didn't give him $60. My friend paid the money. A month later the deputy sheriff made another demand for money. This he also met, although he had to borrow a part of the sum.

"The deputy sheriff waited a month or two and made another demand for money. This time he wanted $90. My friend did not have it and could not borrow it. He was desperate, and fearing immediate exposure, he passed a forged check and paid the man what he asked. Feeling this new crime would soon be discovered, my friend bought a bottle of poison, removed all identification marks from his clothing and took the train for San Francisco. Arriving here he intended to commit suicide. His body would not be recognized. It would be buried in an unknown grave, and his parents would never know what had become of him. On the train he read a chapter of Donald Lowrie's story, 'My Life in Prison.' Believing that the editor who was publishing Lowrie's story might be sympathetic with him, he decided to call on him and tell him his story."

"I am sympathetic," I said, "and will help him. Where is your friend?"

"It is my story," said Pedro.

I called in Lowrie. I wanted him to hear the tale and pass his expert judgment on it.

Pedro told his story over again to Lowrie. Lowrie believed it and confirmed me in my judgment that I should go at once to Los Angeles with Pedro, expose the deputy sheriff, pay the man who had cashed the forged check, reinstate Pedro in his job, and give him a chance to make good.

Pedro agreed to go with me on the Lark that evening. He had only $8 in money. I told him he could pay for his berth with $5 and I would provide the railroad tickets. We were to meet at the station in time for the Lark. Meanwhile, Lowrie took Pedro over to the Argonaut Hotel and got him a room so that he could change his clothes. He had a long talk with Pedro and was further convinced that he was telling the truth. He took the bottle of poison away from Pedro and brought it to my office.

The train for Los Angeles left at 8 o'clock. I arrived there at a little before 8. I saw Pedro walking up and down the waiting room, immaculately dressed, his hands gloved. He was carrying a very large and very beautiful bouquet of roses.

I was staggered, but I had said goodby to Mrs. Older, and had also confided my errand to my friends, and I still hoped in spite of the bouquet of roses and the gloved hands, that his story might stand up.

"I have your ticket, Pedro. Come with me and buy your berth," I said.

"I am sorry," he said, "but I have spent the eight dollars that I had this afternoon. I needed a new pair of gloves, and I am very fond of roses, and I couldn't resist this bouquet."

Still I didn't weaken. I bought his Pullman, and we went to Los Angeles together. Arriving there in the morning, I sent Pedro to the law office of a friend of mine and instructed him to remain there until he heard from me. I would go first and settle with the manager of the taxicab stand at the Alexandria Hotel, who had cashed the bogus check.

I called at the hotel and introduced myself to the taxicab man. I told him I had come from San Francisco to straighten out the Pedro transaction. He stared at me as if he thought I were mildly insane.

"What do you mean by straightening it out?" he asked.

"I mean," I replied, "I am ready to pay the $90 Pedro owes you. You probably know the boy was hard pressed for money."

"Hard pressed, hell," he said. "He's a crazy fool. He hired an automobile from me, with a driver, at $30 a day. He drove around in it for two days."

"Where did he go?" I asked.

"Oh, nowhere in particular. Down to Santa Monica and back and then around town, showing off. He owed me $60 for the machine for two days. He gave me a check for $90 and I, thinking he was the son of a rich man, out for a time, accepted the check and gave him $30 change."

"Did he seem to have been drinking?" I asked.

"No; he showed no signs of liquor. He is just a damned fool."

So the taxicab man was the cruel deputy sheriff who was threatening with exposure a poor, hard working boy if he didn't pay him hush money.

I was pretty weak by this time, but I took a taxicab from the hotel and drove out into the suburbs and found Pedro's brother. I asked him if he knew what his brother had done.

"Yes," he said, "the poor boy flooded the town with bogus checks and skipped out."

Pedro had bought the poison to be used as an effective part of the story he had planned to tell me.

I rang him up at the attorney's office and told him what I had learned, and added that I could do nothing for him.

I took the train home that evening feeling rather cheap. A day or two later I received a bill for $90 from the Alexandria taxicab man. He had evidently become convinced that I was insane.

I have never heard from Pedro since. I suppose some prison warden has him and is solemnly at work trying to make Pedro walk straight by a form of punishment which would make a strong man stagger.

CHAPTER XLVI

DOUGLASS

WHILE visiting Donald Lowrie at San Quentin, a short time before he was released, Warden Hoyle showed me some excellent verse published in one of the magazines and written by a prisoner. Douglass was the name signed to the poems. It was not the author's right name, but it is the name I shall use in this story.

There was a rare poetic quality to the lines. Douglass had interpreted the sufferings of men in prison in a very dramatic way. He had caught the prison atmosphere as no other writer to my knowledge had ever done. This perhaps was more clearly shown in a poem of his the warden showed me, "The Garden of Death." It was a passionate protest against capital punishment. I give it here:

THE GARDEN OF DEATH

Safe bound by locking waters
  Within the Golden Gate
A fortress stands, remote and gray,
  A prison of the state.
The flanking walls that round it sweep
  A massive portal scars,
Where warders grim their vigils keep
  With locks and bolts and bars.

In old San Quentin's garden
  The morn is sweet with blooms;
A little square in God's pure air
  Amid a thousand tombs;
And in a fountain's mirrored depths,
  As you are passing by,
Bare, mocking walls on either hand
  Seem reaching to the sky—
And through that glimpse of paradise
  A youth was led—to die.

Above San Quentin's garden
The loophole grates look down,
Beyond the walls and castled keep
Where shotted cannon frown;
And just within a little gate
Along a steel-bound tier,
In cells of death men hold their breath
When unseen steps draw near,

For death is in the air they breathe
And in each sound they hear.

Through old San Quentin's garden
They led him to his doom,
While rose and lily sighed for him
An exquisite perfume;
And in the prison yard beyond,
Men spoke with bated breath,
Of laws that mock the law of God
And strangle men to death.

Of men who send God-given life
To godless, brutal death.

O'er old San Quentin's garden
A stately pine tree sighs,
A lonely captive from the wild
Where Tamalpais lies;
And seated by its rugged trunk
A convict, old and wan,
Was reading from a little book
He held in palsied hand:—

And on the title page I read:
"The Brotherhood of Man."

At once I became deeply interested in Douglass and asked the warden about him.

"It was drink that brought him here," said the warden. "Running out of money while under its influence, he would forge a check for a small sum, pass it on a barkeeper and continue his spree. When sober he is a fine, honorable man, highly cultivated, a gentleman. His family is prominent in Southern California. When quite young, he formed the drink habit, got into trouble and was cast off by his people. That was more than twenty years ago. Since then he has been in prison several times, always under the same conditions and for the same offense. He always gets a light sentence, because he pleads guilty, and the courts have had pity for him."

Douglass was brought into the warden's office at my request. He seemed very nervous and embarrassed and not inclined to talk. He told me his time would be up in another month, and he intended to make a supreme effort to conquer the habit that had so wrecked his life. I asked him to call on me when he was released and I would help him to make a new start.

He came directly to my office from the prison. He was still very nervous. His lips twitched, and his voice was broken. But there was a resolute look in his eyes which reassured me.

"Are you quite sure you can hold out this time, Douglass?" I asked.

"I am positive," he said. "I shall never drink again."

"It will be a hard fight," I said. "You have fallen so many times, you know, and each fall makes your will weaker."

"That is true, but this time I have the sustaining influence of a woman's love. This woman has stood by me through two prison sentences, and now, I am going to make the battle for her sake."

Somehow his words convinced me and gave me perfect confidence in him. Ordinarily I should not have been so easily convinced, because I personally knew how insidious the habit is and what tricks the mind would play in its behalf.

Douglass had no money. He needed fifty dollars to tide him over until he could get a position. A portion of the money he wanted to use to pay the expenses of a visit to the woman he loved. I gave him the money and asked him to dine with Mrs. Older and me at the Fairmont that evening at 6 o'clock.

He did not appear at the hour appointed. We both became nervous with fear that he had fallen. I reproached myself for having given him such a large sum of money. We waited hopelessly until 6:30. He came at that hour, but was quite drunk. We made the best of it.

He could eat nothing. When we had finished we took him to our rooms and kept him in conversation for several hours until the effect of the liquor had partly passed away. He promised me faithfully that he would go to his room in a downtown hotel and see me at my office at 8 in the morning. He did not come, and I felt that he was beyond help.

Early on the following morning, however, he called me up on the telephone.

"I am drunk in a Barbary Coast dive, Mr. Older," he said. "I am right on the verge of sliding back into hell again. Will you hold out your hand and help me?"

He gave me the location of the saloon. I sent a reporter for him with instructions to rent a room, put him to bed and keep him there until he heard from me. This was done.

That evening I had him removed to the Emergency Hospital. He passed the night there. Early the following morning I called on him.

"Douglass," I said, "you are again heading straight for the penitentiary. I know of only one way to save you. That is to have you committed to the alcoholic ward of the Stockton asylum for six months. I'll see that you have good treatment."

He was glad to go. He left that evening. Each Sunday Mrs. Older and I motored to Stockton to see him. Meanwhile, Donald Lawrie had been paroled and was writing his story for the Bulletin. Having similar literary tastes, Lowrie and Douglass had become fast friends in prison. On one of our visits to the asylum, we took Lowrie with us. Douglass was overjoyed to see Lowrie. He was getting strong again. In fact, he was quite himself, and being normal, the queer people he was compelled to associate with in the asylum began to affect his nerves. He longed to get out and go to work.

In a short time after this visit, I secured a suitable position for him in a nearby dry town. I had him discharged from the asylum as cured and took him to his new job.

"Now, Douglass," I said, "this is your last hope. You can't get a drink in this town, and I want your word of honor that you won't leave it."

Of course, he solemnly promised, and meant to keep his word. He did for several weeks. He had made some kind friends in the town and they helped him to make the fight.

The evil day finally came. He found a bottle of wood alcohol in the office where he worked and drank it. The effect of it on him was dreadful. For days it was thought he would become totally blind. Fortunately, he recovered, resumed his work and kept straight for a short time. He fell again, this time in a nearby city which he visited. He spent all of his money, borrowed all that he could, sold his clothes and went down into the gutter. But the battle was to go on.

CHAPTER XLVII

LOVE TRIUMPHS

WE put Douglass on his feet again, only to find that his employer, disgusted, had discharged him. But his friends paid all of his bills and this made the employer feel that he, too, should do his part, and he took him back. He not only did this kindly act, but, in order to strengthen him in the fight, arranged to publish Douglass' prison poems in book form. We all became very much interested in preparing the book, Lowrie especially so. It finally made its appearance under the title of "Drops of Blood," Lowrie writing for it the following foreword:

"A strain of music, the scent of a flower, the ripple of running water—how often they sweep a chord, mute but yet attuned, awakening the pent floods of memory. It is thus with this little book of verse, wrung from the silent gloom of unending prison nights—nights we spent together in the semi-darkness of a forgotten world.

"Behind the graven figures '19173,' I see you tonight as I saw you then, seated at the tiny deal table in our little eight by four cell, the dim light from the smoky oil lamp falling fitfully upon your face as you wrote in silence line after line, page after page—and I, lying on the narrow bunk against the wall, wondering what your were wresting from the Universal Source and setting into words amid such sombre surroundings.

"To all the art of 'setting words prettily together,' as Ruskin puts it, you have added the color which can be drawn only from the fountain of hard experience. May the message you are sending out find its way to the heart of the world, and there plant the seed of a deeper, larger and kindlier understanding.

"In those years of the past, we studied the theme of life together. Today we labor apart, and yet together as before—you in your way and I in mine—to turn the thoughts of men and women toward the needs of the 'proscribed,' seeking to redeem ourselves, and in so doing to encourage others."

It is rare, indeed, for a book of verse, even though of fine quality, to have a large sale. Only a few hundred copies of "Drops of Blood" were sold. Perhaps this fact discouraged Douglass. He fell again. It was then that the woman who loved him, and who had never lost hope, decided to marry him, relying upon the strength of her love to sustain him. Then began our preparations for the wedding.

It was decided that Douglass' wedding should be held at Medora's home in the mountains, in the open air and under the trees that she loved. Douglass at last was to be reclaimed. This was to be be our triumph. We all motored over for the great event—Donald Lowrie, Buck English, old Charlie, Clarence Darrow, Mr. Barry, Mrs. Older, and myself. The aged father, and the other members of Douglass' family that had been estranged from him for nearly a quarter of a century, were there. Douglass and they were friends again. The simple ceremony under the trees was very impressive.

At last the young woman who had never lost faith, who had unfalteringly stood by while the man she loved served two terms in the penitentiary, was also to justify the faith he had in her when in his prison cell he wrote the "Open Road." Here are the lines:

THE OPEN ROAD

Where wends the road beyond these walls?
  I do not know—I may not see;
But every hour its freedom calls
  And leads me, spirit free.

So swift it sweeps in curving gleams,
  So clear beneath the sun and moon,
It calls me from my work and dreams,
  At midnight and at noon.

A clanging bell! The bolts fly back
  As each day brings its task anew;
A purr of wheels—the looms' "click-clack"—
  I see—the road and you.

To know this helpless, hopeless throng—
  This bar-bound death in life—the prayer—
The muttered curse of nameless wrong—
  The silence of despair!

And yet—a garden blossoms there
  That breathes of Omar's roseblown bower;
And love's blood-rose set in your hair
  Perfumes my every hour.

Where wends the road beyond these walls?
  I know not whither it doth wend;
But this I know: whate'er befalls,
  You're waiting at its end.

She was waiting at the end. And here in this lovely mountain setting the ceremony took place that testified to her faith and long devotion.

The happy affair over, we all returned to the city. A day or two later the old father called on me at my office. He tried to speak, but instead he wept like a child. Becoming calmer, he said between his sobs: "You have saved a brand from the burning. I cast him off, I turned him out of the house, and sent him away from his mother who loved him."

I told him I had only extended to his son the hand of friendship. "It is as little as one can do, and as much as need be done in most cases," I said.

"Yes," he said, "I realize it all now when it is too late."

I assured him that it was not too late, that there were many years of happiness in store for them.

The battle was not yet entirely won. Douglass fell occasionally, but the distances between the bad spells were widening with the years. He and his devoted wife often visited us at the ranch, and when Mrs. Older and I complimented him on how well and strong he seemed, he would look at her through his happy tears and say: "She has done it all."

Love has done it all for Douglass, as it would for all of us if we would only give it a chance. It is the greatest force in the world.

CHAPTER XLVIII

HUGO AND RUTH

HUGO had the weakest face of any of the men who came to me from prison. He had a receding chin and forehead and pug nose. He had served a three years' sentence for passing counterfeit money. His wife came with him and did most of the talking. She was young, not more than twenty, and quite pretty.

Hugo, she said, was a fairly good musician, and if he could get a trombone and join the musicians' union, he would be able to make a living for them.

Lowrie had acquired a small fund to be used for this purpose, and together we started Hugo on the way to making his own living. His weak face, however, prevented me from having much faith in his making good.

I never saw Hugo again, but learned through Lowrie that he was not doing well.

More than a year afterward, a young, over-dressed woman called on me. Her face was painted, and diamonds worth several thousand dollars glittered on her fingers. The brand of the underworld was on her.

"You don't remember me," she said.

"No," I replied.

"My husband and I called on you more than a year ago. He was the one you bought the musical instrument for."

With difficulty, I recalled her. She had completely changed.

"What has happened?" I asked.

"I have gone into a sporting house," she said. "My husband left me to starve. I stood by him all the time he was in prison. I worked in Oakland as a waitress, earning very little. I went over to the prison every visitors' day all the time he was there. I was as faithful to him as a wife could be. When he came out, I brought him to you, but even with the help you gave him, he could not make a go of it. He took to drink, left me at home frequently without food. Finally he disappeared altogether. I was so disheartened that I didn't much care what became of me. I am now in an uptown house and doing very well. I have $1300 in the bank and $3000 worth of diamonds. I'm all right now, I guess."

Ruth mentioned the name of the house she was living in. I had just been reading a wonderful life story written by a young woman of the underworld. She was known in the world in which she lived as Babe. While the story of Alice Smith was running in the Bulletin, I had received a most remarkable letter from a woman who had signed herself "From A. to Z." While the writer was evidently illiterate, there was a Zoalesque realism in her description of the horrors of the life she was living. Later I learned that Babe had written the letter. Babe became so much interested in the subject that she wrote her entire life story, beginning with her early childhood. She was one of several children. Her father died when she was 4 years old. Her mother was poor, and when Babe was 12 she went out to work. It was the old struggle. Scant wages, no pretty clothes, no schooling; only long hours of hard, grinding work.

At 17, Babe chose the course that forever shut her out of the respectable world. Once under way she went rapidly. In her story she did not spare herself. She told the truth, all of it. In the course of her narrative, she gave a vivid picture of the horrors of her life in the house in which Ruth was living.

"Let me read you a chapter out of a story I have here," I said to Ruth. I took the manuscript from a drawer and began reading aloud.

Before I had finished, Ruth leaped to her feet and shrieked: "Stop! Stop! I can't hear any more. It's all so horrible. I never dreamed it was as bad as that." Sobbing and almost hysterical, she left the room.

A few days later, Ruth called me on the telephone and asked for an appointment. Her voice betrayed excitement. I told her I would see her at once. She came rushing into my office, out of breath.

"The story you read me the other day has haunted me. I have made up my mind to quit the life forever. Thinking perhaps I had some dramatic talent, I went immediately to a school for acting and I am studying for the stage. The manager tells me I have real ability and is very much interested in me. He is going to cast me for a leading role in a comedy. He wanted to know my address. Of course I couldn't tell him. I am still in that house. I told him I lived in Oakland. He asked me who I knew in San Francisco and I gave him your name. He says he is going to ring you up. I gave him my name as Ruth Maynard. I was afraid he would call you before I could see you, and you would say you didn't know me."

Ruth made rapid progress, and in two weeks the play in which she was cast for the leading part was put on at the naval station in a big hall with fifteen hundred young men as an audience.

Our little group accompanied Ruth to the island. Donald

Lowrie, Bessie Beatty, Sophie Treadwell, John D. Barry and myself made up the party. The audience liked the performance, and while Ruth was crude and amateurish, still she did well enough to warrant our giving her a favorable notice in the Bulletin.

That night Ruth left the house, took an apartment by herself. We all hoped she would succeed.

At about this time, Pantages was planning to put on a new one act play. I succeeded in having Ruth employed in it to play a minor part. She did well in rehearsal, the manager was satisfied, and her new career began. The play ran two weeks at Pantages and then went on the circuit for several months.

I heard nothing from Ruth in the meantime. When the play was dropped, she returned to the city and called on me.

I noticed her lips were scarred. I asked her the cause.

"I took carbolic acid several weeks ago," she said. "They thought I would die. I was saved by a young physician who attended me. He said my recovery was a miracle."

I couldn't believe her. She told the story lightly and laughingly. She seemed happy enough.

"Why did you do it, Ruth?"

"Oh, I slipped once. I became intoxicated. It discouraged me and I wanted to die. But I am all right now. I have a little play of my own. There are three of us in it, and Pantages is going to put it on. I am to be the star. You'll see Ruth Maynard up in the electric lights, Sunday night."

I couldn't reconcile her manner as she sat talking to me of her future with the attempt she had made on her life only a short time before. I decided to disbelieve the story.

When her engagement at Pantages was ended, she took the play and the little company to New York. It was an ambitious venture and ended in failure. The money she had saved melted and the diamonds went to the pawn shop.

She had been educating her 12 year old brother and caring for a younger married sister whose husband was unable to support her. She wrote me from New York that her play was a failure and that she was leaving for New Orleans to be with her sister, who had typhoid fever. When the sister recovered, she brought her and her little girl to California with her. She left them in Pasadena and came alone to San Francisco.

She called on me to tell me that she had gone back into the old life, and into the same house which she had left in such horror only a year before.

"Why did you do it, Ruth? You have talent enough to make a living on the stage. You could have got a position. Why didn't you ask me to help you? I am sure I could have found a place for you."

"I was out of money. I had to have $50 a month for my brother, and my sister is on my hands. I was desperate for money. I won't stay there long. As soon as I get a little money ahead, I'll go back to the stage."

I did not hear from her again for three months. I came into my office one day and found a note on my desk, saying, "Ruth Maynard called up. She is dangerously ill. She wants to see you."

CHAPTER XLIX

TWO TRAGEDIES

I CALLED at the address Ruth had given in her telephone message. It was a large apartment house in an uptown street. I assumed that it was the sporting house to which she returned after her failure in New York. I took the elevator and asked for apartment 64. I pressed the button at the door. A pretty, little 4 year old girl opened it. I was shocked to find a child in such a place. A woman appeared. I asked for Ruth. "She is very ill in bed," she said. The woman took me to Ruth's room. She was propped up on pillows. Her face was thin and pale and her eyes seemed large and unnatural.

"This is a strange place for a little child," I said.

Ruth laughingly asked me if I thought I was in a sporting house.

"Yes, I had thought so," I said.

"Well, you are not. You are in a perfectly respectable apartment house. This is my sister's apartment, the little girl you met is her child, and it was my sister you saw when you came in."

Ruth said she was better. In fact, she was getting well. She had been ill, dangerously so, for a month.

"I had a nervous breakdown," she said. "To deaden the remorse I felt for having returned to the life, I commenced taking morphine and cocaine. I had always felt that I had too much sense to fall for the habit. But I saw other girls around me taking it. It did not show in their manner, or, so far as I could see, in their health. Finally, I decided to try it. It braced me up for a time, and I daily increased the doses, until I completely collapsed. The doctor thought I would die, but I am too wicked to die, I guess."

I tried to cheer her by urging her to keep away from the drug, and when she was well enough, I would try to get her a place in a theatrical company that was then playing at one of the local theaters. She agreed to make another effort, and before I left she had again become quite interested in life and expressed a hope that she might yet succeed as an actress, and break away from the life that brought her so near to death.

In a day or two I telephoned her that if she were well enough she could commence rehearsing for a small part on the following Monday. She was delighted and spoke most cheerfully of her future. This was Wednesday.

Coming up from the ranch on Friday morning I read in one of the papers that Ruth had killed herself the night before. She had made sure work of it this time. In the midst of her dinner with her sister, Ruth suddenly left the table and ran into the bathroom. A few minutes later her sister found her there dead. She left a note saying that it would be useless to try to save her. This time, she said, she had made sure to take a poison that no physician could overcome. She was 23 years of age.

* * *

Babe, whose chapter had driven Ruth out of the life a year before, was also dead. When I learned that she was writing her story, I wanted her to come to the Bulletin office. I knew that Bessie Beatty could help her, not only with the writing of the story, but with her wonderful sympathy. I neither knew her name nor her address, but I wrote her a letter and Mrs. O'Connor, the policewoman, delivered it to her. This was the answer I received:

"My Dear Mr. Older:—I received your kind note through Mrs. O'Connor, and I want to thank you for your kind thought of me. I have every confidence in you, but I can't possibly trust any living being further. I can tell my story better and honester when I think I don't have to face any person who knows me. Just put yourself in my place and honestly ask yourself if I am to blame. If my story comes out people are bound to suspect, and what protection would I have if I went to your office and was seen? You know we are a novelty even if we are shunned. But, Mr. Older, if ever the time occurs when I can leave this life I will come to your office and see you if possible under some guise or another. I never want to discuss it with any person or want to go where any person will know my history. I have perfect confidence in Mrs. O'Connor, and if she fails me I don't think I would want to live. If the time ever comes that I can see my way out it will be under her directions. Miss —— has offered me a home with her, but I have had to refuse, as I once lived on charity and it is one reason why I am what I am today.

"I am continuing my writing as you told me, and have let no person influence me. No person except Mrs. O'Connor and Miss —— knows I am writing. So I am perfectly safe.

"If you print my story you will be doing something for every young girl in San Francisco that even thinks of entering this life, and as I write my story something seems to be at my back urging me on. I can't sleep nights thinking about it.

"Mr. Older, urge the people to leave us unfortunates alone. We can't leave the life. If they didn't have the traps could we poor rats crawl in? And now we are in why make us squeal? Mr. Older, we are done for. But try to keep others out of the life. Let the people who have the bringing up of children tell them the truth. Tell the boy. Preach to him as you would tell him not to kill. Tell him not to go near a girl only as he would his sister. Tell the girl what the life means. Don't be afraid to preach it from the housetops. We are the most miserable creatures on God's earth. Talk about the black slaves!—free the white slaves. If we are a necessity, then give us a crown of roses, for we are certainly martyrs—martyrs to men.

"I have every faith in your loyalty. Believe me when I say I thank you from the bottom of my poor heart. Sincerely,
BABE."

Shortly after Babe had completed her story, the life she was living began to undermine her health, although at the time she was only 22. Mrs. O'Connor, the policewoman, was Babe's only woman friend. She dearly loved Mrs. O'Connor and fully trusted her. Mrs. O'Connor had the girl examined by a physician, who reported that she was far gone with tuberculosis. Her life might be prolonged, the doctor said, if she were sent to the country and lived in the open air. Mrs. O'Connor interested an Eastern woman in the case. This woman had some money, and she was glad to provide means for Babe's care.

Together, the two women looked for a suitable place, and finally decided upon a farm near Napa. The woman who owned it agreed to take her. There was a tent on the place that she could occupy. Mrs. O'Connor did not dare tell the country woman all of the truth about Babe's life, for fear she would not receive her. She was merely told that she had made one false step, and the man who was responsible for the wrong had deserted her.

We learned afterward that the woman who received Babe could have been trusted to be kind to the girl if she had been told everything.

Babe was very weak when she arrived and rarely left her bed. The kind woman from the East provided her with everything she needed and wrote her almost daily.

Suddenly, news came to Mrs. O'Connor that Babe was dead. Mrs. O'Connor first learned of it in a letter written to her by the woman in whose care she had been. The letter is here given:

"Dear Mrs. O'Connor—It is with a sad and a very lonesome heart that I write to you and try and tell you about our dear child that has passed to a higher and better life.

No more old cough (as she would call it), no more pains and aches, though she suffered very little; in fact, she had no pain to speak of, only getting weaker and the loss of sleep. It is so pitiful to think of the way she clung to life; such a thing as not getting well never entering her mind. It was always, 'When I am well, I will do this or that.' The way she looked forward to the time that she would study and go to school, never a word about death! It seems that God must have known best when he takes a child like her, for I never met a dearer or sweeter disposition in my life. The way she endeared herself to us all; there was not one here who did not love her, even the cook, a Chinaman, has hardly talked since. She was such a loving, lonesome little thing, never having any advantages that she should have had, being left without a mother's care so young. I little wonder that she never went further, poor darling!

"I am so thankful for having had the chance of knowing and loving her, and to have been in the position to be able to return to God one of his little children, for she was well prepared to meet him. She would lie for hours and never a word. I always said she was praying. I will try and tell you all that will interest you, for she loved you and the young lady who was so kind and good to her. She never discussed her friends to me, only an occasional word; she was so quiet and close about everything connected with her. You understand that she had been moved from the tent to the house ten days before she passed away, and was to go back to her tent the next day, before the fatal illness that had taken her from us. We had moved her much against her wishes. She did not want to come into the house, she so loved her tent—they are taking it down as I am writing. We felt after the last hemorrhage that at any time she was liable to have another, so we were afraid to leave her alone; it was well we had insisted as it all happened for the best. The last I saw of the child was last Sunday, as I was ill on Monday and unable to leave my room.

"When I saw her on Sunday she was very cheerful—all that worried her was to get back to the tent, and I had promised to ask the doctor on Monday—he being satisfied, she was going back the next day. My nurse was last to talk to her on Monday evening about 9 o'clock, when she was playing cards. Taking the cards from her, she fixed her for the night, leaving her door open so if she called she could answer. The last thing, in fact, all she talked of that evening, was 'When I go back home!' She called her tent 'home.' She wanted to go early in the morning, as she had a letter to write and wanted to be back in the tent before writing it. I awoke and called the nurse about 12 o'clock, thinking I heard something. I don't know what. After going out in the hall I called 'Go and see if Margaret wants you.' On going to her room she found her breathing very hard and, trying to awaken her, she found her unconscious, and from that time until she died, on Thursday at 7:15 p. m., she never regained consciousness and never suffered. The life just gradually left her. The doctor called it a cerebral hemorrhage.

"If she had recovered from this illness she would have been paralyzed, so God was good to take her. Think how bad she would have felt to be in that position along with her other handicap. On Friday morning I tried to get you on the wire; was unable on account of your being out of town. I talked with your husband, and on his advice I have taken on myself all the arrangements to bury her. I felt in your nervous state you were better not coming here and taxing yourself more than necessary. You did all you could for her when she needed you. We buried her on Friday afternoon. We kept her home until she went to her last resting place. I did not want to take her to an undertaker's parlor, so the early funeral, when I heard you were unable to come. I was able to place your flowers on her casket—so peaceful—just a mass of flowers. I was unable to get the violets Miss —— wanted, as the message came while we were gone with her. May the child's soul rest in peace! I will see that the violets are placed on her grave, so kindly tell Miss ——. I can not write much more, as I am not strong and these last days are telling on me.

"Now, Mrs. O'Connor, I want you, if you know of another girl like this dear child, I would like to help another just for her dear sake. Maybe take her up here or help financially. Please help me to help some girl for her sake and my own, for I feel I should try to do something for others, but my health being so poor I am not able to come in direct contact with them.

"I am going to send you a few trinkets and some pictures and books that were hers. You will be better able to know what to do with them. There are some clothes and things you will be able to give some one. There were some letters she had in bed with her and a letter which came on Monday. We burned them. Mrs. O'Connor, I would like to hear from you after you read this, as I feel I should help some other girl again. I must not learn to love them as I did this poor child, as I feel it too keenly. God bless you, and pray for me."

CHAPTER L.

JACK BLACK

IN PREVIOUS chapters I have presented the stories of Fritz, George, Tim, Boggs, Pedro and Douglass as types ot ex-prisoners who would best explain how I came to realize that many prisoners were in some ways different from ourselves.

Jack Black does not belong to that class. He is in a class by himself. That is why he is so interesting. I first met him when he was a prisoner at the Ingleside Jail. Before the fire Jack had been convicted of highway robbery and sentenced to twenty-five years in the penitentiary. He had appealed his case to the appellate court. The fire came in 1906, and all record of his case was burned. After the fire there were so many things to be done more important than restoring the records of prisoners' cases that were on appeal that it was neglected. As a result, Black lay buried and forgotten in Ingleside Jail. When I met him he had been there seven years. He had no hope at all. He hadn't sufficient faith in the ultimate result of his appeal to take much interest in having the record restored. He knew if the appellate court denied him a new trial there was nothing left for him but the rock pile at Folsom for twenty-five years.

In my first talk with him he told me frankly that his case was hopeless, and that he did not believe it possible for me or any one else to help him. He had been sentenced by Judge Dunne. I told Black that I knew Dunne very well, and that it was barely possible I might persuade him to let him go on probation. I was willing to try. Black did not discourage me, but I could see by his manner that he had no faith whatever.

I went direct from the jail to Judge Dunne's chambers. In fact, I hadn't much more faith than Black had, but I thought I ought try.

When I suggested to Dunne in a tone of voice as casual as I could make it, that I thought he ought to let Black go on probation, he stared at me as if he thought I had gone suddenly insane. I have forgotten the exact language used by the judge in making his reply, but I haven't forgotten that it was very forceful, emphatic, and in spots, picturesque.

I argued the matter for an hour, I told him I was sure that Black would make good if given a chance. Mrs. Older and I would take him to the country and look after him until he regained his health and strength. Then we would get him a job and I was sure he would go straight. He didn't give me much encouragement, merely saying that he would look into the matter, which I thought was a polite way of closing the discussion.

I telephoned the dismal news to Black at the jail, and he at once began preparations for his escape. With the help of outside friends he succeeded and made his way to British Columbia. He eluded the police for some months, but was finally caught and brought back to San Francisco heavily ironed. He was placed in the city prison en route to Folsom, where he was to serve his sentence of twenty-five years.

Before he left, Maxwell McNutt, then a deputy district attorney in Judge Dunne's court, called on me and said that Judge Dunne had decided that Jack Black had done about time enough, and if he would agree to withdraw his appeal, and plead guilty in his court, he would let him off with a year or two.

I hurried down to the jail to tell the good news to Black.

"That's great," said Black, joyously. "If I had known that, I would have come voluntarily from Canada, and paid my own fare. A year or two! Why, I can do that standing on my head."

We then had a long talk about crime and criminals, and I was so struck with Black's original observations and insight into human nature that I asked him if he wouldn't make a speech in the dock after he had received his sentence. I could use it effectively in the Bulletin, which was at that time trying to modify the severity of the penal system. Black replied that he would be glad to do so if I wished it.

"Write it this afternoon," I said, "and I'll call this evening and read it."

When I saw him that evening he had written only about three hundred words. I read it. "Isn't it rather stilted, Jack?" I asked.

"Yes; I know it is," he replied. "If you don't mind, I'd rather not write it. Just let me get up and ramble. I am sure I can do better that way."

Accompanied by a stenographer, Mr. Barry and I went to court to hear the speech. The judge sentenced Black to serve one year in San Quentin. After the judge finished, Black arose in the dock with all the ease and grace of an experienced speaker, and talked quietly, most interestingly, for about ten minutes. It was by far the best short speech I had ever heard. It was published in the Bulletin that afternoon, and Black went to San Quentin. He said he would gladly take the commitment and go over alone and give himself up. Surely no happier man ever entered a penitentiary.

His speech had interested many people. Congratulatory letters poured in on him from all over California. Among those who wrote him was a well known San Francisco physician, whose home has ever since been Black's home whenever he was in the city.

In ten months Jack was released. Two months were forgiven for good behavior. That was five years ago last October.

From the prison he came to our ranch. He had spent a great many years in prison, and had been severely punished, had endured the agony of the strait jacket, and other harsh methods employed by prison officials. The life had left him pretty nearly a physical wreck. His body was emaciated, his face thin and heavily lined. But his sense of humor lived through it all. His wit was keen and his humor delightful. He soon became a favorite at the ranch. We all liked him immensely. He was one of the few ex-prisoners I had that would joke about his past.

We were building our house on the hill while Jack was with us. He took the keenest interest in it and was busy every minute of his time in work that he could do. After the floors had been laid, Mrs. Older said to him laughingly, "Mr. Black, I want you as an expert burglar to walk over the new floors and find the squeaks."

"In order to do that properly," Jack replied, "I'll have to take a lantern and walk on them in the night in my stocking feet. You know there are squeaks in floors at two in the morning that you can't hear at any other time."

After the house was finished and we had moved in, we invited a couple of our city women friends to visit us. The night they came a mighty storm blew across the hills from the southeast. It was the worst we had ever experienced. It was made more terrifying because the new house had not been tested by storm and wind.

Jack, who had been dining with us, was about to leave for his room in the farm house, when Mrs. Older, fearing that the storm might blow the roof off or pitch the house down into the gulch, asked him to sleep in one of the spare rooms.

We all went to bed filled with fear. At about 11, just after we had fallen asleep, we heard a startling crash.

"There goes a window," I said. "I rushed out into the storm. The women were shrieking for Black. It was their window that had blown away. Black jumped through the open window into the court.

"Get a hammer and nails and a ladder, Jack," I said. "And perhaps we can nail the window back in place."

He got the hammer and nails.

"I don't need a ladder." He went up on top of a pergola fifteen feet high like a circus acrobat. From there he walked out on the narrow window ledge, balancing himself while I handed him the window. He nailed it on while the women looked on admiringly.

The wind was blowing seventy miles an hour and in another minute it might have torn through the open window and destroyed that portion of the house.

While Jack was putting the hammer back in its place in the basement, I joined Mrs. Older in the living room. We were both laughing. "Isn't it great to have a porch climber about at a time like this?"

"I was just thinking the same thing," she replied.

The women were enthusiastic over Jack's skill and complimented him when he came in.

"You people all go to bed," said Jack. "I'll keep watch until morning."

The next day Mrs. Older said to Jack, "You were a hero last night, Mr. Black."

"Was I?" Jack replied. "The night time is my time, you know."

Christmas morning, Marie, a French maid, and little Mary wanted to go to Saratoga, four miles away, to Christmas mass. I said I would motor them over. They both liked Jack very much. They did not know he had been in prison.

"You come along, too, Jack," said Marie. "You were born a Catholic."

"No," said Jack. "I won't go. A church is no place for a sinner."

"Oh, come on, Jack," the girl pleaded. "It will be a sin on your soul if you don't go."

Jack finally compromised by agreeing to go along and sit in the machine with me, outside the church, while the girls attended mass.

It was raining a little, but we put up the top of the machine and talked and smoked comfortably.

I had been very much interested in the underworld story that had been running in the Bulletin, and I turned the conversation to that subject.

"I don't like women of that kind," said Jack. "None of them are any good."

"I wouldn't say that, Jack. They are a mixture of good and bad, like the rest of us, aren't they?"

"Perhaps I am prejudiced," said Jack. "Years ago, I knew one quite well and liked her. I called on her one evening and found her sick in bed without food, money or medical attention.

"I had only a couple of dollars in my pocket, but I knew where I could get more.

"'I'll be back in an hour,' I said, and left her. I got some money in the only way I could in those days, hurried back to the girl's room, and dumped it on the table. There were $60 or $70 in the pile. She knew it was a burglary.

"'I'll cut this even with you,' I said, 'and we'll get some food and a doctor.'

"'I think I ought to have more than half,' she said.

"I looked at her in amazement.

"'If you don't give it all to me,' she went on, 'I'll call the police.'"

Just at this moment, Marie and little Mary came running from the church toward the machine.

"To cut a long story short," said Jack, "I left it all."

A prominent superior judge came on Sunday to visit us. He had been there before, knew Jack quite well, believed in his reformation, and was at ease in his presence. After luncheon we all sat together in the living room discussing crimes and criminals and groping about for some remedy. Jack was giving us the benefit of his wealth of experience.

Suddenly the dogs began to bark. There was an automobile coming up the hill. Jack and I stepped out on the porch to welcome the visitors. I peered closely at the driver and the occupants of the car as it approached the house. I said to Jack, "They are strangers." Jack's practiced eye made out the driver.

"Oh, it's the doctor," he said, with a glad ring in his voice.

The "doctor" stepped out of the car. "Mr. Older, this is Dr. Mack," said Jack.

I quickly recalled the doctor. I had met him before in my office. He was an old prison pal of Jack's who had made good. His wife and young children were with him. He escorted them all into the house and introduced them to Mrs. Older and the judge.

The conversation about prisons and prisoners was not resumed. The talk became general, the judge showing the deference to the doctor that his title and honored profession deserved.

Finally the judge said: "Doctor, I don't want to put Mr. Older to any unnecessary trouble. Perhaps you wouldn't mind taking me in your machine and dropping me at the station."

"I'll drive you home," said the doctor, with great cordiality. "We're only out for a pleasure spin. Where do you live, judge?"

"San Jose," said the judge.

"I'll take you there with the greatest of pleasure," was the doctor's polite answer.

Jack looked at me, his eyes dancing with the humor of the situation.

The judge took a seat next the ex-burglar, and they drove away, chatting together pleasantly.

As the car disappeared down the hill I asked Jack to tell me the story of the doctor's change in occupation.

"Justice," said Jack, "is a word that resides in the dictionary. It occasionally makes its escape, but is promptly caught and put back where it belongs. It was while it was making one of its short flights that Mack made his getaway. He was a three-time loser, and was in again for burglary, and the cops had him right, with the goods on him. Apparently there was no escape. The district attorney told Mack that he didn't have a chance to beat the case, and advised him to plead guilty. 'If you do that,' said the prosecutor, 'you may get off with five years on daylight burglary, as you were arrested about sundown. If you fight the case the judge will be angry and he will construe it as night burglary and you will get fifteen years.'

"The difference between fifteen and five years appealed to Mack and he pleaded guilty.

"As soon as he had made his plea his lawyer hopped up and said:

"'Your honor, it was daylight burglary, and for that five years is the limit.' This angered the judge. He reached for an almanac, looked up the date of the crime and announced that Mack had been arrested five minutes after the sun had set. Therefore, it was night burglary.

"'But,' argued the attorney, 'the crime had been committed prior to that time He had to get out of the house he had burglarized and walk several blocks to the point where he was arrested.'

"This further angered the judge. He told the lawyer to sit down, and proceeded to sentence Mack to fifteen years in the penitentiary.

"The lawyer waited until the stenographer had taken down the court's language. When he had finished the lawyer said: 'You can't alter that record now, your honor. You forgot to arraign him. It's a felony to alter the record.'

"The judge realized he was caught.

"'If you'll give him five years I'll let him go over, but if you insist on the fifteen I'll fight you.'

"The judge was too angry to relent, and Mack was sent back to the county jail, where he remained a year. Meanwhile the lawyer hunted up a decision which permitted the release of Mack if the judgment had not been entered for one year. The lawyer swore out a writ of habeas corpus in another court and Mack walked out a free man.

"'Jack,' said Mack to me, 'that was a close call. The lightning never strikes twice in the same place. I'm through with stealing. I am going straight.'

"He went to work, educated himself, studied medicine, graduated, and now has a practice of $5000 or $6000 a year. I don't think he would have made it except for the help of the girl he married. She stood by him and her love and devotion held him up."

Jack finally left us to go to work in the city. He is still regarded as one of our family and he spends many of his weekends at our ranch. He loves the place and regards it as his home, which it is, and will be until the end.

Jack has been reading my story and feels that my readers may get a wrong impression of ex-prisoners from the stories of Tim, Boggs and the other weak ones. There are some really bad ones who make good, and as he regarded himself as one of the most hopeless that ever came out of prison he has written me the following letter:

Fremont Older, The Call-Post, San Francisco.

Dear Friend of Mine: I have been reading your story in The Call. The last chapters, portraying the "nuts" that have ripened on your ranch, have got me so wrought up that I feel that I must express myself.

Your name is at the top of this letter, but I suspect I am writing to myself. You may never get it. It may prove to be one of those things we write after midnight and tear up after breakfast. Your collection of "nuts" would not be complete without me and I want to sign up right here and now.

Your stories take me back seven years. Do you remember our meeting at the Ingleside Jail, where you visited me at Lowrie's request? You did not ask me if I were guilty, or if I wanted to go to work or if I thought I could make good You said, "What can I do?"

I told you that nothing could be done; that I was convicted of highway robbery; that I had committed the still greater crime of retaining a highway lawyer to object and obstruct, and delay the swift and sure processes of justice. I told you I was plastered over with prior convictions; that the police hated me, not for the things I had done, but for not pleading guilty and saving them the bother of proving them.

I told you the judge was sore, that the police were sore, and the jailers were sore, and that I was sore; that the whole thing was a hopeless muddle. I told you I was a complete criminal and glad of it. I told you to look on the jail register and you would find a line under my name in red ink which meant that I had committed the one unforgivable crime in a jail—I had tried to escape.

You said, "It looks pretty tough, but I'll try." I've often wondered what the judge said when you approached him for me. He probably thought you were crazy. You did try and you learned that nothing could be done and told me so.

But your trying meant as much to me as if you had succeeded. When you were unable to help me, I realized that it was tough indeed, and I said to myself: "Here's where I make them put another red line under my name," and so, with the help of friends from life's other side, I left the jail by the window—and began again where I left off.

Soon came the inevitable "pinch" and I found myself back in San Francisco. You came again, saying, "What can I do?" This time you did do something. You got my sentence changed from twenty-five years to one year.

Dear friend, that one year, the minimum, stopped me, and whatever I've done in the way of redeeming myself dates from the day I got that one year. It was the first time I ever got anything but the worst of it in a court of law. When I first met you, my mind was closed against any kindly impulse. I wanted no help except what I could take by myself. When I came back from the year in Quentin, my mind was open. I went to you, and then to your country place for six months. It is the only six months of my life I would care to live over again. Mrs. Older, little Mary, and yourself "eased" me away from the last bitter thought. And one day when you said you had a job for me in town, I was surprised to feel that I rather liked the notion of going to work. I had for twenty years been sidestepping work, not that I was lazy, but that there was "no class" there. That's five years ago. It did not take me long to learn working. Now I like it and there isn't a day's work out of which I don't get a "kick."

Enough of this "I" and "me" stuff. I must get to the point. You have a big, true story with one hundred thousand readers. Tell them all how to help the under dog. They are willing, but they don't know how.

Policemen, prosecutors, judges and jurors are reading your story. Tell them the time to start helping the so-called criminal is when he is arrested, not when he is released. They will never get anywhere so long as the "cop" clubs them with his night stick and turns them in to a judge who finishes the job by giving them five, ten or twenty years in prison. They are all wrong and they are making it worse.

This "crime" thing is just a boil on the social body. I think it can be corrected, but they will never do it by opening it with a poisoned lancet.

Point out to them the value of probation, of paroles, of kindness and helpfulness to the fellow with a bow-legged mind. And take another slam at the case of John Byrne—something might come of it. But I doubt if it's well to make the point that he is innocent. With the effort and time and money spent by you and James Wilkins and Theodore Roche, we could have got out half a dozen guilty prisoners. Every day guilty prisoners are released on technicalities by the courts, but if you mention innocence, they bristle like badgers. They can't be wrong. From the copper on his beat to the Supreme Court, they are all infallible and incorruptible. Give any of them the "right," "honest," or "square" test and he will show a triple X positive certification.

If you every try again to get a pardon for Johnnie Byrne, just remember that he is 45 years old. Forget that he is innocent and that he has been in jail since 1906. You ask for his pardon on the grounds of extreme youth and the Board of Pardons will let him go. When I submitted proof of his innocence to the Board of Pardons three years ago, they held a sage and serious session and I said to you, "Byrne has a good chance of getting out." Later, I learned that they had turned him down, and that the only thing the Board of Pardons wanted to determine was whether I was a lunatic or just an ornamental liar who ought to be locked up.

These have been five full years for me—a wholesome home and a nice little job. It's true that I had to fight with my two fists to hold that job, but when you get one that way, you hold it.

I called on the judge some time ago, the one who sentenced me. He has traveled some himself in the last five years. "What can I do?" he said. I told him there was a boy in his court charged with robbery; that it was a tough case, but not so tough as mine had been. I told him if he could consider favorably a motion for probation for the boy that I would get him a job. The judge said, "I'll try to do something," and he did. The boy is working now and reporting to me.

If there is a thought in this letter that will help you in your fight for the outcast, the ex-prisoner, the prostitute—take it and use it as only you know how. They all love you and are for you, "chaps," "taps," and rawhide riata.

Sincerely, JACK BLACK.
Reconstructed Yegg.

* * *

I was once discussing criminals with a woman who is an authority on psychology. We were sitting at a table in a restaurant at the time, eating luncheon. She said, "The trouble is that they are not able to realize anything but the thing they see at the moment. It is a mental lack. All of us have it in some degree.

"For instance, you and I sit here enjoying our food. If there was a starving woman at the next table, a starving woman right under our eyes, we could not eat. We would have to give her our food. Now, if there were starving people at the other end of this room, out of sight, and we knew of them, we would still be unable to eat until we had fed them. Even though we did not see them, if we knew they were there, we would be able to visualize them, just as though we did see them.

"But over in Poland and Russia and Palestine there are millions of starving women and children right now. We know it, but still we enjoy our food. That is because, while we know they are starving, we don't realize it. They are too far away. It's good that we can't realize all the misery in the world, for if we could, no human brain could endure it. We would go mad.

"The criminal has this same inability to realize absent objects and facts, but he has it in a greater degree. He knows when he steals that he is doing wrong, he knows that he will probably be caught and sent to prison and made to suffer. But he cannot realize it, any more than we can realize the sufferings of peoples on the other side of the world. All he can see is something he wants, and all he knows is that he wants it. He cannot realize anything else.

"That is what makes the criminal. It is a mental abnormality, just as definite as a crippled arm, only we can't see it as we can see crippled arms."

It may be that this is the explanation. I do not know. I only know that in all my experience with criminals I have come to the conclusion that their minds in some ways work differently from the minds of what we call normal men.

So, while my original opinion about them has changed, it has changed only to increase my abhorrence of our system of punishment for crime. We need the aid of science here. Punishment—revenge—is not the solution of the problem.

THE BYRNE CASE

The case of John Byrne, referred to in the published letter of Jack Black, has attracted wide attention. Although striking evidence has been disclosed showing Byrne to be an innocent victim of circumstantial evidence, he is serving a life sentence at San Quentin penitentiary. His sentence to death was commuted by Governor Hiram Johnson.

Byrne, who had lived in San Francisco many years, was a printer in Nevada at the time of the fire of April, 1906. Soon after the disaster he came to San Francisco in search of the body of his father, who he learned had been burned to death.

Lodgings were scarce at that time. Byrne had many friends in the south of Market street district. One of them, Patrick Sullivan, proprietor of a saloon at Sixth and Brannan streets, offered Byrne a room in the back of his place.

Byrne was in this room one night soon after his arrival when two bandits held up a saloon diagonally across the street. George O'Connell, a former policeman, who was in the place, opened fire on the robbers. A fusillade followed in which O'Connell, one of the bandits and a third man was killed. The other robber escaped.

Evidence since has shown that this man came to the door of the saloon where Byrne was staying and was rushed away by friends. A search of the neighborhood was made by the police. Byrne was taken from his room as the escaped bandit and charged with murder.

The only evidence against him was that he had a bandana handkerchief in his pocket. Both of the bandits wore bandanas.

A jury returned a verdict of guilty and Byrne was sentenced to death by Judge William P. Lawlor. His attorney, Theodore Roche, carried the case to the state Supreme Court, but admitted that there was grave doubt of Byrne's guilt.

Captain of Police Thomas Duke, who had conducted the investigation of the entire case, later made a statement admitting there was grave doubt of Byrne's guilt.

CONCLUSION

AFTER having related many of my experiences of the past twenty-five years I should like to be able to say in this, the concluding chapter of my story, that from those experiences I had learned of some way to correct the wrongs and injustices that continue to menace our social life. I can not, because I have gained no such knowledge.

Economists who have specialized in socialism, single tax or co-operation are sure they have solved the perplexing problem. There is no ill that now besets man that Socialism will not cure, says the Socialist. The single taxer is even more confident that he has the remedy. The more ardent of them declare that single tax will not only bring about a perfect economic condition, but will rid the world of all contagious diseases. Even measles, whooping cough and scarlet fever will disappear from the face of the earth. I cannot help believing that they claim too much. But even if one or the other of these social doctrines contained all of the curative properties that their advocates invest them with, the entrenched wealth that is opposed to any radical alteration of the present social system has sufficient power to make the approach to either one of them very slow, indeed.

The change must necessarily be slow. Man is prone to the belief that the way of the world into which he is born is the conclusion of all of the wise men of the preceding ages, and, as a result has become the fixed plan of the universe. This conviction man will not easily surrender. I used to think otherwise. In the days of the graft prosecution I believed that the people once convinced that there was corruption in their government would take the same interest in correcting it that the merchant does when he finds his till is being tapped by a dishonest clerk. I was soon to learn how slight the people's interest is in public affairs.

The campaign of reform made by Hiram W. Johnson as governor of California is a good illustration of this point.

While the graft prosecutors, after three years of work, only succeeded in putting one man in prison, it was evident that the exposures that were made had to some extent aroused the people of the state. Encouraged by this knowledge a movement was inaugurated to destroy the political power of the Southern Pacific Railroad—a power that had controlled the government of California for more than forty years. Johnson was the leader of this movement. After his election as governor he soon learned how slow and hesitant the people were to change. If he had been any less a crusader with his marvelous power, energy and personal charm, he would have failed to enact those progressive laws that at once lifted California out of the group of corrupt boss-ridden states, giving it the foremost place among the redeemed commonwealths of America. In all of his great fights Johnson's program was far in advance of the thought of a majority of the people. The measures he advocated at the time were denounced as revolutionary. It was only his wonderful ability to persuade that enabled him to be victorious. His great enthusiasm swept me into the fight with him. It seemed to me quite worth while to dethrone the Southern Pacific Railroad, to pass an eight-hour day for women, to care for the workers in case of accident, to curb the greed of corporations through a reconstructed railroad commission, and to give the people the initiative and referendum, and the power to recall judges.

This work accomplished, I became impatient to strike deeper into what I thought were the causes of an imperfect and unjust social system. I was convinced that the remedies we were applying reached only to symptoms. The real, underlying disease had not been attacked. I wanted to hurry on, heedless of the knowledge we had all acquired that the people were slow moving and suspicious of new ideas hurled at them by those they did not fully trust.

My experiences in the graft cases had awakened in me a deep interest in labor. I had been fighting the rich men of San Francisco, that is, the employing class, because as soon as Calhoun was threatened with punishment for his crimes that class stood almost solidly with him. The street car strike, made to order by Calhoun, had naturally aroused my sympathies for labor, and brought me more closely in touch with their leaders.

In addition, I thought that an expressed sympathy with labor would sweep working men over onto the subscription list of the Bulletin. I reasoned that they failed to support the paper more liberally because we had been antagonistic to them in the teamsters' strike of 1901. I felt now that I had come to believe in their cause, that I need only convince them of my sincerity and they would stand loyally by me and help to make the Bulletin tremendously successful.

I held this idea for many years, but in time I found that the fact that a man belonged to a labor union did not change his nature or his psychology at all. He was just a human being like the rest of us, controlled by motives as mixed.

I discovered further that labor would never have been in the position of the under dog, as it was, if laboring men had realized their opportunities and been a little more wide awake to their own interests. If they had been able to stand solidly with men who believed in their cause and had the power to help them, as I did, their own strength would have been such that they would have needed no help.

I found that the labor policy of the Bulletin did not bring us the circulation I had expected. Working men bought the paper that amused them, or that published things that interested them, rather than the paper that stood for their cause. But by this time I had become interested in the cause itself, regardless of whether or not it brought us circulation.

This led me into an attempted explanation of the background in the desperate crime of the McNamaras.

I tried to show that it was the culmination of many years of bitter fighting between labor and the steel trust, in which the International Structural Iron Workers had been forced to the wall, their unions defeated by the employers time and again, their wages forced down, and their cause defeated to the point that not even shops handling the by-products of steel were allowed to employ union labor.

It was only when labor had been defeated in every legitimate attempt, and crushed to hopelessness, these particular men began in despair to use dynamite against the property of their enemies. They used it at first in destroying girders and bridges and other beginnings of structures in which iron and steel were used, but as time went on and the fight became increasingly bitter and desperate, their rage finally culminated in the destruction of the Times building and the accompanying deaths.

It seemed to me that a blind outburst of murderous rage on the part of the public would not help this situation. I felt that people should understand the background of this violence, if similar crimes were to be stopped.

Oppression beyond a certain point will always result in violence, and however great our abhorrence of violence, we do not stop it by increasing the oppression. When steam pressure in a boiler goes beyond a certain point the boiler bursts. No one wants the boiler to burst, but nothing is gained by heaping more fuel on the fire beneath it.

It was this attitude that I tried to make clear to the readers of the Bulletin. I was bitterly condemned for not taking the same attitude that all the other papers took, and a feeling grew in San Francisco that I was a dangerous person. This feeling has been further intensified by my activities in the Mooney case. For months after the commission of the Preparedness Day crime I believed Mooney and Billings to be guilty. I continued in this belief until I saw the Oxman letters. They convinced me that at least Oxman was a suborner of perjury, if not himself a perjurer. Upon investigating the testimony of the important witnesses I found it to be false. None of the five people who were arrested for the crime had anything to do with the commission of it. The articulate and powerful people of the community professed to believe them guilty. Many sincerely so believed and still do. This made the fight a hazardous one for a newspaper, especially when there was a division among those who locally speak for labor. The struggle is still on and may continue for many years, with Mooney and Billings serving life sentences in prison for a crime they did not commit. Public opinion may in time grow strong enough to overthrow the power that now stands in the way of justice, or it may lessen through the weariness of those who have for more than two years been leading the fight. It is difficult to determine the outcome.

My resolute advocacy of justice in these cases was an outgrowth of an intense interest I had acquired through the years in prisons and prisoners, and in that practically unexplored half-world inhabited by men and women who had been cast out and abandoned as hopelessly bad. Experience has convinced me that there are no wholly good nor wholly bad people. I do not believe anyone starts out in life making a deliberate decision to be bad. I am sure everyone prefers goodness to badness, but life puts a heavy strain and pressure on some of us, and unconsciously we find ourselves departing from the conventional standards set up by those whom nature, or the chance of birth, has favored. Not one of us is pure white nor solid black. We are a blend—a gray; rather a dark shade of gray at that. I believe the worst of us are blindly groping toward the good.

I have said before I am not at all sure about remedies. An intelligent, economic readjustment will help, but I cannot resist the belief that the ill-working of our social system is due to causes that are deeply rooted in ourselves. Malice, hate, envy, greed and hypocrisy, and a desire to get even for wrongs—real or fancied—are deep-seated qualities that make it impossible for us to achieve a higher and a finer life. The task of overcoming these persisting traits of character is a discouraging one, and it is a task that belongs to each one of us. Constant vigilance and effort is necessary, even through a long life, to materially lessen these qualities in ourselves. To make any progress at all it would require all of our time, and unless we loafed on the job we would have none to devote to the conduct of the other fellow. If we undertook this struggle in real earnest we should soon discover in ourselves the same attributes we had condemned in our neighbor, and we should no longer judge, "leaving justice to God, who knows all things, and content ourselves with mercy, whose mistakes are not so irreparable."

The End.